

## **COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2016**

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**THURSDAY, MARCH 12, 2015**

**U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
Washington, DC.**

The subcommittee met at 10 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Richard C. Shelby (chairman) presiding. Present: Senators Shelby, Boozman, Capito, Lankford, Mikulski, Feinstein, Shaheen, Coons, Baldwin, and Murphy.

**DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
STATEMENT OF HON. JAMES B. COMEY, DIRECTOR**

**OPENING STATEMENT OF SENATOR RICHARD C. SHELBY**

Senator SHELBY. The subcommittee will come to order. We welcome all of you to today's open session of the Commerce, Justice, Science Subcommittee hearing on the Department of Justice fiscal year 2016 budget request for Federal law enforcement agencies.

I want to welcome first our four witnesses, Federal Bureau of Investigation (FBI) Director James Comey, U.S. Marshals Service Director (USMS) Stacia Hylton, Drug Enforcement Administration (DEA) Administrator Michele Leonhart, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Director Todd Jones. They will later each testify about their agency's 2016 budget request.

This morning, I want to begin by thanking the men and women of the FBI, the Marshals Service, the DEA, and the ATF, who work every day to protect this Nation. We are indebted to them and grateful for their service and their sacrifice.

In particular, I want to express my condolences to the family of Deputy U.S. Marshal Josie Wells, who was killed in the line of duty on Tuesday while participating in a fugitive task force in Baton Rouge, Louisiana. Deputy Marshal Wells was attached to the Marshals' Southern District Office in Mississippi and had dutifully volunteered for this recent task force.

Our thoughts and prayers are with his family, friends, and the entire Marshals Service community for their loss here.

The constantly changing landscape of criminal activity at home and abroad has challenged the Justice Department's ability to deal with emerging threats. We expect our Federal law enforcement

agencies to be more nimble and sophisticated than the criminals and terrorists they pursue.

The goal of this joint law enforcement hearing is to determine how the 2016 budget would give each law enforcement agency the tools and the capabilities needed to tackle those changing threats, whether they are cyberattacks, drug trafficking, financial fraud, or terrorism.

I believe our Federal law enforcement agencies must work together, particularly in tough budget environments, to target limited resources in a manner that safeguards taxpayers' dollars while preserving public safety.

The FBI's mission includes protecting and defending the United States against terrorism and foreign intelligence threats, fighting cybercrime, as well as tending to traditional criminal activities, such as violent crime, public corruption, and white-collar crime. In order to carry out these priorities, the FBI's 2016 budget request is \$8.5 billion, which is an increase of \$47 million above the 2015 enacted amount.

In the past year, we have seen terrorist threats and increased cyberattacks. I believe it is imperative that the FBI appropriately balances the bureau's diverse responsibilities while targeting the highest needs and criminal threats facing our Nation.

The Marshals Service has the honor of being America's oldest Federal law enforcement agency. The Marshals provide judicial security, apprehend fugitives, protect witnesses, and transport prisoners, among other important duties. The 2016 budget request of \$2.7 billion for the Marshals Service is \$100 million less than the 2015 enacted level of \$2.8 billion. The funding reductions are largely isolated to the Federal Prisoner Detention account.

I want to hear how the 2016 budget request will allow the Marshals Service to continue its critical missions for the pursuit and arrest of fugitive sex offenders who are targeting our children.

The Drug Enforcement Administration's 2016 budget request totals \$2.5 billion. The agency serves a central role in our society, working with domestic and international partners in enforcement of controlled substance laws and regulations of the United States.

In addition, the DEA's Diversion Control Program prevents, detects, and investigates the diversion of controlled pharmaceuticals and listed chemicals. This mission is critical with prescription drug abuse arguably being the country's fastest growing drug problem.

The Bureau of Alcohol, Tobacco, Firearms and Explosives is tasked with combating the illegal use and trafficking of firearms, the illegal use and storage of explosives, and acts of arson and bombings, among other crime-fighting roles. ATF's 2016 budget request is \$1.3 billion, which is \$60 million above the 2015 level.

I am interested in how the agency would use this increased funding, particularly in light of recent complaints from hunters and sportsmen who believe that ATF overstepped its authority by attempting to ban certain ammunition for recreational use.

I look forward to hearing the views and explanations of our four witnesses regarding the details of their 2016 funding request totals, and working with our subcommittee members to prioritize the necessary funding for our Federal law enforcement agencies.

Now at this point, I would like to recognize my friend and colleague, Senator Mikulski, the former chairwoman of the subcommittee.

STATEMENT OF SENATOR BARBARA A. MIKULSKI

Senator MIKULSKI. Thank you very much, Mr. Chairman, for this hearing today and really bringing the full complement of Federal law enforcement before the subcommittee, not only to review their budget, but so that we could first of all truly express our appreciation. And we do appreciate every single man and woman who works for the agencies represented here today, who are so much valued and so much appreciated. And they should know that.

I think we need to be able to do that in three ways. Number one, give them respect. Make sure we respect them and respect the sacrifices they do and their families do every single day while they are often away protecting us.

Number two, let's have the right resources, and let's make sure we don't do another sequester where FBI agents were digging into their pocket to pay for gasoline, and DEA agents were wondering what they could do to do their job, and while we were looking at sequester, how we go after the sexual predators while we were protecting the judges.

And, of course, for the Bureau of Alcohol, Tobacco, and Firearms (ATF), that wonderful lab in Ammendale that does this incredible forensics, not only what you are enforcing, but enabled us to identify that the terrible sniper situation we had here a few years ago came from a single gun, through the forensics that you did.

And it's that: some carry a gun, some work with a microscope, but all are on their job, and I wanted to say that.

Tomorrow, I will be at a Maryland, Montgomery County Chamber of Commerce event, in which they honor those who provide public safety, firefighters and also police officers.

The Baltimore field office, Mr. Comey, will be receiving an award for being the best public safety partner. So it is not only what you do, it is how you do it, actually engaged in the community, leveraging the assets of both the Federal Government and then State and local, where everybody is best at what they are best at and best at what they are most needed for. So we appreciate that.

Of course, we want to express our condolences over the death of Deputy Marshal Josie Wells killed in the line of fire.

And, of course, we wish our police officers in Ferguson a good recovery.

So we have a big job to do, and the way we start, with respect, I believe, with the right resources. While we are looking at the law enforcement agencies, the FBI, DEA, and ATF make up almost half of the Justice Department's budget, close to \$15 billion. I think that is a bargain. I think that is a tremendous bargain for what we get in the way you are out there protecting America.

There is only a modest increase in here of \$98 million, and I am concerned whether that enables you to keep on hiring the people that you need to do the job, to be able to sustain the effort with the people that you hire, and also will we be able to do the cost-of-living adjustments for the people who work with you, whether they are agents or intelligence analysts or computer analysts.

These needed increases come in the context of the President's request. Yes, we do know it is above the caps, and we will be having a robust discussion. But while there are many who are calling and pounding the table for let's lift the caps on defense, a needed debate, there is another way we need to defend America.

We need to defend America in the streets and neighborhoods of our communities, and we need to defend them from sexual predators. We need to defend them from murderers and killers. We need to defend them against the lone wolf, who could be roaming around one of our big cities or small towns.

So if you want to protect America, you not only want to lift the defense caps, you want to lift the domestic caps and have parity with that.

I want you to know, I feel very strongly about it. And when I say I didn't want to run again because I didn't want to raise money, but raise hell, this is one of the areas that I am going to raise hell about. And we are going to do it here today.

So we look forward to hearing what it is you need for those resources. We count on you to be able to do this job.

I could go through the data, which I will when we get to the questions. Two areas I hope we could also focus on, in addition to your specific mission, of course, is the heroin crisis that we hear from every Governor, including my own in Maryland.

And we look to work with our Governor. Yes, he is a Republican and, yes, I am a Democrat. But we are 100 percent Marylanders, and we are 100 percent involved in dealing with heroin.

Of course, the women of the Senate, joining with very good men, are now focusing on the issue of human trafficking, and we look forward to hearing it.

But I need to know what are the right resources for you to be best at what you are best at, and be best at what you are needed for. And we best better get our act together and make sure we support you.

I look forward to the dialogue.

Senator SHELBY. Thank you.

We will start the hearing testimony with FBI Director Comey and then go right to left. We welcome all of you. Your written testimony will be made part of the record, if you will sum up your remarks.

Director Comey, welcome again.

#### SUMMARY STATEMENT OF HON. JAMES B. COMEY

Mr. COMEY. Thank you, Mr. Chairman, it is good to be here. Vice Chairwoman Mikulski, Senators, thank you for this opportunity. Thank you for the opportunity to sit with three—I was going to say old friends but I don't want to criticize anyone—people who I have worked with for many years, maybe more than we would like to admit.

We all very much appreciate your expression of condolence for the Marshals Services' terrible loss. It is a reminder of the quality of the people we have, and the risk they take to protect this country. We are very grateful for that.

The FBI's 2016 budget request is about maintaining the capabilities that you have given us. It is about being good stewards of the

taxpayers' money and ensuring that we recover from the effects of sequester by filling the ranks that were so depleted over the last couple of years.

There are two enhancements requested in our budget, each for about \$10 million—one relates to our cyber-capabilities, trying to build those, and the second relates to our efforts to try to integrate better in a technological way with the rest of the intelligence community.

As the members of this subcommittee know, the FBI, like my colleagues here would agree, it's all about the people. Sixty percent of our budget goes to our good folks. We have remarkable men and women who are working 24 hours a day all around this world to protect this country and its citizens.

The members of this subcommittee are very well-aware of the threats the FBI is responsible for addressing. Counterterrorism remains at the top of our list, for reasons that make good sense.

The world of terrorism has shifted just in my 18 months on this job, particularly in the growth and flourishing in ungoverned or lightly governed spaces of the progeny of al Qaeda, most prominently with ISIL, and with the use in groups like ISIL and Al-Qaeda in the Arabian Peninsula (AQAP). They use sophisticated technology and social media to spread their poison, to attract recruits to their so-called caliphate, and to try to motivate people who don't travel to do harm to innocent people in the United States.

This poses an enormous challenge to us to find the people who are responding to that siren song, to track those who are traveling, and to find those who might be motivated to radicalize and stay in place but engage in murderous behavior in the name of some misguided effort to find meaning in their lives.

So counterterrorism remains at the top of our list, for reasons that I know the American people appreciate.

As Chairman Shelby mentioned, we also have responsibility for counterintelligence. The spy game is not a thing of the 1950s or 1960s. It is alive and well, and increasingly, as with all the threats we are responsible for, manifesting on the Internet.

Cyber dominates the FBI's life. You have to be digitally literate to protect kids, to fight fraud, to fight terrorism, to protect critical infrastructure, to protect our secrets. And so we are working very hard to make sure we have the workforce, the technology, and that we are deployed in a smart way to be able to deal with the threats that come at us through the Internet, which are all the threats we are responsible for.

And we spend a tremendous amount of time working with our partners here at this table to address a variety of criminal threats: Vice Chairwoman Mikulski mentioned our efforts to protect children, we work very hard on that; to fight public corruption, as Chairman Shelby said; and a host of other efforts we do around the country.

We do them almost entirely in partnerships with Federal, State and local partners. There is literally nothing that the FBI does alone. We accomplish great good, but we do it in partnership with lots of other folks.

I wanted to close by just mentioning a couple of our capabilities that this subcommittee has supported that don't get the attention, in my view, that they deserve.

The first is our Terrorist Explosive Device Analytical Center (TEDAC) that we, together with ATF and other partners, run. It is the analysis center for improvised explosive devices used by terrorists around the world. It is a tremendous resource for this country and its allies.

In Huntsville, Alabama, we are putting together a world-class facility so that we can do with explosive devices what we have done with fingerprints, which is allow us to connect dots and save lives. I had the chance to visit the new facility there very recently. I am extremely excited about the opportunities that offers for this country and our allies to be safer.

And we are very grateful to the subcommittee for its support.

We also run the Hazardous Devices School down there, where we with partners are training the bomb techs of today and tomorrow, who are working around this country to defuse devices and to protect the American people.

Two tremendous resources that don't get much attention. I will mention one other.

In the great State of West Virginia, we have thousands of people working at our Criminal Justice Information Services Division, which is literally the frame on which hangs the law enforcement of this country. They facilitate the information-sharing. They run the fingerprint database. They run the DNA database. They run the sharing of vital information that protects law enforcement officers.

I told them when I visited them that your work to a lot of people sounds boring. It is only boring because it works so well. We take it for granted that this work will be there, so when a cop pulls somebody over and runs their name or their fingerprints, they know immediately whether that is a terrorist, a rapist, an escaped fugitive, and people are protected by virtue of that.

They are underappreciated but they are the frame on which hangs law enforcement in this country. We are hugely grateful for the support of this subcommittee of our West Virginia colleagues.

With that, I will stop and just thank you again. This subcommittee has been tremendously supportive of the FBI. We recognize it and our great folks are extraordinarily grateful for the support they've gotten from the subcommittee, and I look forward to taking your questions.

[The statement follows:]

PREPARED STATEMENT OF HON. JAMES B. COMEY

Good morning Chairman Shelby, Vice Chairwoman Mikulski, and members of the subcommittee.

As you know, the FBI is asked to deal with a wide range of threats, crime problems, and operational challenges across the national security and law enforcement spectrum. Today, I appear before you on behalf of the men and women of the FBI who step up to these threats and challenges. I am here to express my appreciation for the support you have given them in the past and to ask your continued support in the future.

I would like to begin by providing a brief overview of the FBI's fiscal year 2016 budget request, and then follow with a short discussion of key threats and challenges that we face, both as a Nation and an organization.

## FISCAL YEAR 2016 BUDGET REQUEST OVERVIEW

The fiscal year 2016 budget request proposes a total of \$8.48 billion in direct budget authority to address the FBI's highest priorities. The request includes a total of \$8.4 billion for Salaries and Expenses, supporting 35,037 permanent positions (13,074 Special Agents, 3,083 Intelligence Analysts, and 18,880 professional staff), and \$68.9 million for Construction. Two program enhancements totaling \$20 million are proposed: \$10.3 million to increase cyber investigative capabilities and \$9.7 million to leverage Intelligence Community Information Technology Enterprise (IC ITE) components and services within the FBI.

The fiscal year 2016 request includes the cancellation of \$120 million from Criminal Justice Information Services (CJIS) excess surcharge balances and \$91.4 million in non-recurred spending (\$50.4 million in the Salaries and Expenses account and \$41 million in the Construction account).

Overall, the fiscal year 2016 request represents a net increase of \$47 million over the fiscal year 2015 enacted levels, representing an increase of \$88 million for Salaries and Expenses and a decrease of \$41 million for Construction.

## KEY THREATS AND CHALLENGES

As a Nation and as an organization, we face a multitude of ever evolving threats from homegrown violent extremists to hostile foreign intelligence services and agents; from sophisticated cyber-based attacks to Internet facilitated sexual exploitation of children; from violent gangs and criminal organizations to public corruption and corporate fraud. Within these threats, we face growing challenges, from keeping pace with constantly changing and new technologies that make our jobs both easier and harder; to the use of the Internet and social media to facilitate illegal activities, recruit followers and encourage terrorist attacks, and to disperse information on building improvised explosive devices (IEDs) and other means to attack the United States. The breadth of these threats and challenges are as complex as any time in our history. And the consequences of not responding to and countering threats and challenges have never been greater.

The support of this subcommittee in helping the FBI to do its part in facing these threats and challenges is greatly appreciated. That support has allowed us to establish strong capabilities and capacities for assessing threats, sharing intelligence, leveraging key technologies, and—in some respects, most importantly—to hiring some of the best to serve as Special Agents, Intelligence Analysts, and professional staff. We are building a workforce that possesses the skills and knowledge to deal with the complex threats and challenges we face today—and tomorrow. We are building a leadership cadre that views change and transformation as a positive tool for keeping the FBI focused on the key threats facing our Nation.

We remain focused on defending the United States against terrorism, foreign intelligence, and cyber threats; upholding and enforcing the criminal laws of the United States; protecting civil rights and civil liberties; and providing leadership and criminal justice services to Federal, State, municipal, and international agencies and partners. Our ability to carry out this demanding mission reflects the continued support and oversight provided by this subcommittee.

*Countering Terrorism*

Preventing terrorist attacks remains the FBI's top priority. The terrorist threat against the United States remains persistent and acute.

The threats posed by foreign fighters, including those recruited from the U.S., traveling to join the Islamic State of Iraq and the Levant (ISIL) and from homegrown violent extremists are extremely dynamic. These threats remain the biggest priorities and challenges for the FBI, the U.S. Intelligence Community, and our foreign, State, and local partners. ISIL is relentless and ruthless in its pursuits to terrorize individuals in Syria and Iraq, including Westerners. We are concerned about the possibility of individuals in the U.S. being radicalized and recruited via the Internet and social media to join ISIL in Syria and Iraq and then return to the U.S. to commit terrorist acts. ISIL's widespread reach through the Internet and social media is most concerning as the group has proven dangerously competent at employing such tools for its nefarious strategy. ISIL uses high-quality, traditional media platforms, as well as widespread social media campaigns to propagate its extremist ideology. Recently released propaganda has included various English language publications circulated via social media. We are equally concerned over the execution of U.S. citizens taken as hostages by ISIL.

As a communications tool, the Internet remains a critical node for terror groups to exploit. Recently, a group of five individuals was arrested for knowingly and willingly conspiring and attempting to provide material support and resources to des-

ignated foreign terrorist organizations active in Syria and Iraq. Much of their conspiracy was played out via the Internet. We remain concerned about recent calls to action by ISIL and its supporters on violent extremist Web forums that could potentially motivate homegrown extremists to conduct attacks here at home. Online supporters of ISIL have used various social media platforms to call for retaliation against the U.S. In one case, an Ohio-based man was arrested in January after he stated his intent to conduct an attack on the U.S. Capitol building. The individual is alleged to have used a Twitter account to post statements, videos, and other content indicating support for ISIL.

Echoing other terrorist groups, ISIL has advocated for lone wolf attacks in Western countries. A recent ISIL video specifically advocated for attacks against soldiers, law enforcement, and intelligence community personnel. Several incidents have occurred in the United States, Canada, and Europe over the last few months that indicate this “call to arms” has resonated among ISIL supporters and sympathizers.

Al Qaeda and its affiliates—especially al Qaeda in the Arabian Peninsula (AQAP)—continue to represent a top terrorist threat to the Nation and our interests overseas. AQAP’s online English magazine advocates for lone wolves to conduct attacks against the U.S. homeland and Western targets. The magazine regularly encourages homegrown violent extremists to carry out small arms attacks and provides detailed “how to” instructions for constructing and deploying a successful improvised explosive device.

With our domestic and foreign partners, we are rigorously collecting and analyzing intelligence information as it pertains to the ongoing threat posed by ISIL, AQAP, and other foreign terrorist organizations. Given the global impact of the Syria and Iraq conflicts, regular engagement with our domestic and foreign partners concerning foreign fighters is critical. These partnerships are critical to performing our counterterrorism mission and ensuring a coordinated approach towards national security threats.

The FBI, along with our local, State, tribal, and Federal partners, is utilizing all investigative techniques and methods to combat the threat these terrorists may pose to the United States. We must maintain robust information sharing and close collaboration with our State, local, tribal, and Federal partners. Individuals who are affiliated with a foreign terrorist organization, inspired by a foreign terrorist organization, or who are self-radicalized are living in their communities. We recognize it is our responsibility to share information pertaining to ongoing or emerging threats immediately. Our local and State partners rely on this intelligence to conduct their investigations and maintain the safety of their communities. It is our responsibility to provide them with the information and resources to keep their communities out of harm’s way. In each of the FBI’s 56 field offices, Joint Terrorism Task Forces serve as a vital mechanism for information sharing among our partners. These task forces consist of more than 4,100 members—including more than 1,500 interagency personnel from more than 600 Federal, State, territorial, and tribal partner agencies. Together with our local, State, tribal, and Federal partners, we are committed to combating the threat from homegrown violent extremists and ensuring the safety of the American public.

Among the FBI’s counter-terrorism capabilities is the Terrorist Explosive Device Analytical Center (TEDAC). TEDAC is a whole of government resource for the exploitation of IEDs and combating the terrorist use of explosives. TEDAC is proving to be a valuable tool supporting the military, homeland security, international partners, intelligence, and law enforcement communities by developing and sharing intelligence about terrorist explosive devices. Prior to TEDAC, no single part of our Government was responsible for analyzing and exploiting intelligence related to terrorist IEDs. TEDAC will begin occupying the first phase of its new facilities this Spring. The second phase of construction, which will include a joint partnership with the Department of Homeland Security, is expected to be completed in fiscal year 2016. The third phase of construction will provide a collaboration center that is expected to be completed in fiscal year 2017. Also, consistent with funding provided by the subcommittee this fiscal year, the FBI is expanding facilities and training at the Hazardous Devices School (HDS). This effort is just getting underway.

#### *Countering Foreign Intelligence and Espionage*

The Nation faces a continuing threat, both traditional and asymmetric, from hostile foreign intelligence agencies. Traditional espionage, career foreign agents acting as diplomats or ordinary citizens and asymmetric espionage, typically carried out by students, researchers, or businesspeople operating front companies, is prevalent. And they seek not only State and military secrets, but also commercial trade secrets, research and development, and intellectual property, as well as insider information from the Federal Government, U.S. corporations, and American universities.

Foreign intelligence services continue to employ more creative and more sophisticated methods to steal innovative technology, critical research and development data, and intellectual property, in an effort to erode America's economic leading edge. These illicit activities pose a significant threat to national security.

We also remain focused on the growing scope of the insider threat—that is, when trusted employees and contractors use their legitimate access to steal secrets for personal benefit or to benefit another company or country. This threat has been exacerbated in recent years as businesses have become more global and increasingly exposed to foreign intelligence organizations.

To combat this threat, we are working with academic and business partners to protect against economic espionage. We also work with the defense industry, academic institutions, and the general public to address the increased targeting of unclassified trade secrets across all American industries and sectors.

#### *Cyber-based Threats*

An element of virtually every national security threat and crime problem the FBI faces is cyber-based or facilitated. We face sophisticated cyber threats from state-sponsored hackers, hackers for hire, organized cyber syndicates, and terrorists. On a daily basis, cyber-based actors seek our state secrets, our trade secrets, our technology, and our ideas—things of incredible value to all of us and of great importance to the conduct of our Government business and our national security. They seek to strike our critical infrastructure and to harm our economy.

Given the scope of the cyber threat, the FBI and other intelligence, military, homeland security, and law enforcement agencies across the Government view cyber security and cyber-attacks as a top priority. Within the FBI, we are targeting high-level intrusions—the biggest and most dangerous botnets, state-sponsored hackers, and global cyber syndicates. We want to predict and prevent attacks, rather than reacting after the fact.

As the subcommittee is well aware, the frequency and impact of cyber-attacks on our Nation's private sector and government networks have increased dramatically in the past decade and are expected to continue to grow. Since fiscal year 2002, the FBI has seen an 80 percent increase in its number of computer intrusion investigations.

FBI agents, analysts, and computer scientists are using technical capabilities and traditional investigative techniques—such as sources, court-authorized electronic surveillance, physical surveillance, and forensics—to fight cyber threats. We are working side-by-side with our Federal, State, and local partners on Cyber Task Forces in each of our 56 field offices and through the National Cyber Investigative Joint Task Force (NCIJTF), which serves as a coordination, integration, and information sharing center for 19 U.S. agencies and several key international allies for cyber threat investigations. Through CyWatch, our 24-hour cyber command center, we combine the resources of the FBI and NCIJTF, allowing us to provide connectivity to Federal cyber centers, Government agencies, FBI field offices and legal attachés, and the private sector in the event of a cyber-intrusion. We have recently co-located our cyber efforts into a new FBI facility.

The FBI is engaged in a myriad of efforts to combat cyber threats, from efforts focused on threat identification and sharing inside and outside of Government, to our internal emphasis on developing and retaining new talent and changing the way we operate to evolve with the cyber threat. The fiscal year 2016 budget request includes an enhancement of \$10.3 million to support these efforts.

In addition to key national security threats, the FBI and the Nation faces significant criminal threats ranging from complex white-collar fraud in the financial, healthcare, and housing sectors to transnational and regional organized criminal enterprises to violent crime and public corruption. Criminal organizations—domestic and international—and individual criminal activity represent a significant threat to our security and safety in communities across the Nation.

#### *Public Corruption*

Public corruption is the FBI's top criminal priority. The threat—which involves the corruption of local, State, and federally elected, appointed, or contracted officials—strikes at the heart of government, eroding public confidence and undermining the strength of our democracy. It impacts how well U.S. borders are secured and neighborhoods are protected, how verdicts are handed down in court, and how well public infrastructure such as schools and roads are built. The FBI is uniquely situated to address this threat, with our ability to conduct undercover operations, perform court-authorized electronic surveillance, and run complex, long-term investigations and operations. However, partnerships are critical, and we work closely with Federal, State, local, and tribal, authorities in pursuing these cases.

One key focus for us is border corruption. The U.S. Government oversees 7,000 miles of U.S. land border and 95,000 miles of shoreline. Every day, more than a million visitors enter the country through one of 327 official ports of entry along the Mexican and Canadian borders, as well as through seaports and international airports. Any corruption at the border enables a wide range of illegal activities, potentially placing the entire Nation at risk by letting drugs, arms, money, and weapons of mass destruction slip into the country, along with criminals, terrorists, and spies. Another focus concerns election crime. Although individual States have primary responsibility for conducting fair and impartial elections, the FBI becomes involved when paramount Federal interests are affected or electoral abuse occurs.

*Gangs/Violent Crime*

Violent crimes and gang activities exact a high toll on individuals and communities. Today's gangs are sophisticated and well organized; many use violence to control neighborhoods and boost their illegal money-making activities, which include robbery, drug and gun trafficking, fraud, extortion, and prostitution rings. Gangs do not limit their illegal activities to single jurisdictions or communities. The FBI's ability to work across jurisdictional boundaries is vital to the fight against violent crime in big cities and small towns across the Nation. Every day, FBI special agents work in partnership with State, local, and tribal officers and deputies on joint task forces and individual investigations.

FBI joint task forces—Violent Crime Safe Streets, Violent Gang Safe Streets, and Safe Trails Task Forces—focus on identifying and targeting major groups operating as criminal enterprises. Much of the Bureau's criminal intelligence is derived from partnerships with our State, local, and tribal law enforcement partners, who know their communities inside and out. Joint task forces benefit from FBI surveillance assets and our sources track these gangs to identify emerging trends. Through these multi-subject and multi-jurisdictional investigations, the FBI concentrates its efforts on high-level groups engaged in patterns of racketeering. This investigative model enables us to target senior gang leadership and to develop enterprise-based prosecutions.

*Transnational Organized Crime*

More than a decade ago, the image of organized crime was of hierarchical organizations, or families, that exerted influence over criminal activities in neighborhoods, cities, or States. But organized crime has changed dramatically. Today, international criminal enterprises run multinational, multi-billion-dollar schemes from start to finish. These criminal enterprises are flat, fluid networks with global reach. While still engaged in many of the "traditional" organized crime activities of loan-sharking, extortion, and murder, new criminal enterprises are targeting stock market fraud and manipulation, cyber-facilitated bank fraud and embezzlement, identity theft, trafficking of women and children, and other illegal activities. Preventing and combating transnational organized crime demands a concentrated effort by the FBI and Federal, State, local, tribal, and international partners. The FBI continues to share intelligence about criminal groups with our partners and to combine resources and expertise to gain a full understanding of each group.

*Crimes Against Children*

The FBI remains vigilant in its efforts to eradicate predators from our communities and to keep our children safe. Ready response teams are stationed across the country to quickly respond to abductions. Investigators bring to this issue the full array of forensic tools such as DNA, trace evidence, impression evidence, and digital forensics. Through improved communications, law enforcement also has the ability to quickly share information with partners throughout the world, and our outreach programs play an integral role in prevention.

The FBI also has several programs in place to educate both parents and children about the dangers posed by violent predators. Through our Child Abduction Rapid Deployment teams, Innocence Lost National Initiative, Innocent Images National Initiative, Office for Victim Assistance, and numerous community outreach programs, the FBI and its partners are working to keep our children safe from harm.

The FBI established the Child Sex Tourism Initiative to employ proactive strategies to identify U.S. citizens who travel overseas to engage in illicit sexual conduct with children. These strategies also include a multi-disciplinary approach through partnerships with foreign law enforcement and non-governmental organizations to provide child victims with available support services. Similarly, the FBI's Innocence Lost National Initiative serves as the model for the partnership between Federal, State, and local law enforcement in addressing child prostitution. Since its inception in fiscal year 2003, the FBI has partnered with nearly 400 law enforcement agencies from 71 child exploitation task forces throughout the country. This initiative has

been responsible for the location and recovery of more than 4,350 children. The investigations and subsequent 1,950 convictions have resulted in lengthy sentences, including 15 life terms.

#### KEY CROSS-CUTTING CAPABILITIES AND CAPACITIES

I would like to briefly highlight two key cross-cutting capabilities and capacities that are critical to our efforts in each of the threat and crime problems described.

##### *Intelligence*

The FBI is a national security and law enforcement organization that collects, uses, and shares intelligence in everything we do. The FBI's efforts to advance intelligence capabilities have focused on streamlining and optimizing our intelligence components while simultaneously positioning the Bureau to carry out its responsibilities as the lead domestic intelligence agency. Since 9/11, the FBI has transformed itself to become a threat-based, intelligence-informed national security and law enforcement agency. Such a transformation is a continuous journey and, while we have made substantial progress, we recognize we still have a journey ahead of us.

This past year, I asked and received the subcommittee's approval to restructure the FBI's Intelligence Program to reflect the progress we have made. I would like to extend my appreciation for your support of my request. I am confident that restructuring will allow us to take the next step towards the seamless integration of intelligence and operations. I also anticipate the restructuring will facilitate smoother and more efficient exchange of intelligence with the Intelligence Community and international partners.

The FBI cannot be content to just work what is directly in front of us. We must also be able to look beyond the horizon and understand the threats we face at home and abroad and how those threats may be connected. Towards that end, intelligence is gathered, consistent with our authorities, to help us understand and rank identified threats and to determine where there are gaps in what we know about these threats. We then try to fill those gaps and continue to learn as much as we can about the threats we are addressing and those we may need to address. We do this for national security and criminal threats, on both a national and local field office level. We then compare the national and local perspectives to develop a threat prioritization ranking for each of the FBI's 56 field offices. By creating this ranking, we strive to actively pursue our highest threats. This gives us a better assessment of what the dangers are, what's being done about them, and what we should spend time and resources on.

##### *Operational and Information Technology*

As criminal and terrorist threats become more diverse and dangerous, the role of technology becomes increasingly important to our efforts. We are using technology to improve the way we collect, analyze, and share information. We have seen significant improvement in capabilities and capacities over the past decade; but technology remains a key concern for the future.

For example, we recently deployed new technology for the FBI's Next Generation Identification System. This technology enables us to process fingerprint transactions much faster and with more accuracy. This year, the Biometrics Technology Center will come online. This shared facility will enhance collaboration between the FBI's Biometrics Center of Excellence and the Department of Defense's (DOD) Biometrics Fusion Center. Together, these centers will advance centralized biometric storage, analysis, and sharing with State and local law enforcement, DOD, and others. In addition, we are also integrating isolated stand-alone investigative data sets so that we can search multiple databases more efficiently, and, in turn, pass along relevant information to our partners.

The rapid pace of advances in mobile and other communication technologies continue to present a significant challenge to conducting court-ordered electronic surveillance of criminals and terrorists. These court-ordered surveillances are often critical in cyber cases where we are trying to identify those individuals responsible for attacks on networks, denial of services, and attempts to compromise protected information. However, there is a growing and dangerous gap between law enforcement's legal authority to conduct electronic surveillance, and its actual ability to conduct such surveillance. Because of this gap, law enforcement is increasingly unable to gain timely access to the information it needs to protect public safety and bring these criminals to justice. We are grateful for this subcommittee's support in funding the National Domestic Communications Assistance Center. The center enables law enforcement to share tools, train one another in modern intercept solutions, and reach out to the communications industry with one voice. It is only by

working together—within the law enforcement and intelligence communities, and with our private sector partners—that we will develop effective strategies enabling long-term solution to address this growing problem.

The fiscal year 2016 budget request includes \$9.7 million for the initial installation of a multi-year information technology strategy to enhance the FBI's ability to share information with partners in the Intelligence Community using cloud computing and common desktop environments.

#### CONCLUSION

Being asked to respond to complex and ever-changing threats and crime problems is not new to the FBI. Our success in meeting these challenges is directly tied to the resources provided to the FBI. The resources this subcommittee provides each year are critical for the FBI's ability to address existing and emerging national security and criminal threats.

Chairman Shelby, Vice Chairwoman Mikulski, and members of the subcommittee, I would like to close by thanking you for this opportunity to discuss the FBI's budget request for fiscal year 2016 and the key threats and challenges that we are facing, both as a Nation and as an organization. We are grateful for the leadership that you and this subcommittee have provided to the FBI. We would not possess the capabilities and capacities to deal with these threats and challenges today without your support. Your willingness to invest in and support our workforce and our physical and technical infrastructure allow the men and women of the FBI to make a difference every day in communities large and small throughout our Nation and in locations around the world. We thank you for that support.

I look forward to answering any questions you may have.

Senator SHELBY. Thank you.

Ms. Hylton.

UNITED STATES MARSHALS SERVICE

**STATEMENT OF HON. STACIA A. HYLTON, DIRECTOR**

Ms. HYLTON. Thank you, Mr. Chairman. Good morning, everyone.

I want to start by thanking for your recognition of Deputy Josie Wells, who we lost this past Tuesday. He was, without a doubt, one of our finest. He was a young man committed to our fugitive investigation operations. He was a young man who worked to make our community safer. His loss is really unbearable to all of us, but, more importantly, as you can imagine, to his family.

Deputy Wells came from a long line of law enforcement. His father is a law enforcement retired officer from the State of Mississippi, and his two brothers currently serve within local communities as police officers.

We will stand with them and we will support them as we bid farewell to Josie this weekend, as we recognize yet another fallen U.S. Marshals Service hero.

Our total request for nearly \$2.7 billion includes \$1.2 billion for Salaries and Expenses, and \$1.5 billion for Detention, and \$15 million for Construction in Federal courthouses nationwide.

The agency's many accomplishments over the years, as we celebrate our 225th anniversary this year, would not have been possible without your support, from this subcommittee, in particular. In recent years, you have acknowledged and provided resources for us to safely guard the Nation's Federal prison inmates and detention populations, and you recognized the importance of those resources.

Over the past year, we had worked carefully to assess the agency's spending and, where necessary, made improvements and reduced costs.

The U.S. Marshals Service has also benefited from this subcommittee's decision to restore our resources in 2014 on Salaries and Expenses. This allowed us to fill 200 vacancies of Deputy U.S. Marshals, and I thank you for that support.

I can assure you that we take our fiduciary responsibilities very seriously. We have worked diligently within the Department of Justice, Office of Management and Budget, and, certainly with your staffs, so we could submit a reasonable and modest budget that is mindful of our country's financial situation.

In doing so, we have worked proactively to creatively address our shortfalls using existing resources to ensure officer safety.

Aside from retaining a small carryover from the detention balance, the U.S. Marshals Service worked to ensure a significant amount of those detention resources are made available to the administration and Congress for other purposes. It is my ongoing focus to ensure that we are as efficient and effective as we can within the dollars that are given to us.

Our priority is to take transformational steps into making the Marshals Service a data-driven agency that uses data to drive strategic and tactical business decisions. Ultimately, this is helping us present a performance-based budget to showcase how we are managing our resources appropriated from Congress.

The 2016 budget that you have in front of you provides necessary resources to maintain and enhance the critical USMS functions that you have spoken about today: arresting the violent fugitives, protecting our children, and reducing crime in our communities.

Ensuring safeguards for protective operations for the Federal Judiciary is still a paramount concern for the Marshals Service, as we see more violence on our Federal courthouses and our Federal Judiciary.

We saw it in Wheeling, West Virginia. We saw it most recently on a judge's home in Florida who was shot in the middle of the night, the judge just barely escaping injury to himself and his family.

The violence is happening in the courthouses, the shooting in Utah. You have seen them play across the media, and you can see the violent criminals that are introduced into the Federal court system nowadays pose a great risk to our judiciary.

The 2016 budget maintains these missions as well as increases our enforcement efforts for law enforcement, as we provide safety to our officers, as we try to work and ensure that we can meet the requirements under the Adam Walsh Child Protection and Safety Act.

The National Center for Missing and Exploited Children estimates over 769,000 sex offenders live in the United States, of which I am proud to say that we apprehended close to 12,000 annually, brought them into compliance, because over 100,000 of those 769,000 are not in compliance with the registry requirements.

Officer safety will always remain as my top priority in this agency, as we have lost too many. And every effort is made to ensure that personnel are adequately trained and equipped.

Annually, our deputies along with our partners here at the table, my colleagues, as Director Comey stated earlier, work collectively together. We, the Marshals Service, apprehend and clear warrants of more than 105,000 violent fugitives a year. Deputy Marshals risk their lives everyday investigating, apprehending, and pursuing those who flee from justice, that are wanted.

Accordingly, therefore, we are requesting \$1.5 million for law enforcement safety training, so we may keep that effort.

The subcommittee has recognized the urgent need to contain proliferation of gangs across our country. Criminal gang activity has a severe impact across law enforcement because of the rising prevalence and high level of violence. Gangs are no longer isolated to motorcycle gangs and violent urban street gangs. They now exist across the country, in urban, suburban, and rural communities—socially and economically depressed communities. Nearly 1 million members are criminally active in the United States. This is something that we all want to address.

Our 2016 budget request has an increase of \$5.2 million for a total of \$15 million for Federal courthouses, as I spoke earlier of

the situations that we face, to ensure that we can mitigate security risks to the public that attend those courthouses and the judiciary.

Mr. Chairman, Ranking Member Mikulski, and members of the subcommittee, I do request your support to fully fund the 2016 budget request in order to support the men and women of the United States Marshals Service, that you recognized earlier, to carry out the protection and enforcement efforts of our judicial process. We have proven ourselves as a valuable asset to our communities, ensuring public safety and protecting our children.

Thank you.

[The statement follows:]

PREPARED STATEMENT OF HON. STACIA A. HYLTON

Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee: Good morning and thank you for the opportunity to testify on behalf of the President's fiscal year 2016 budget request for the United States Marshals Service (USMS or Agency). Our total request for nearly \$2.7 billion includes \$1.2 billion for Salaries and Expenses; \$1.5 billion for Detention; and \$15 million for Construction.

This year the USMS is proud to celebrate its 225th anniversary. For over two centuries, the USMS has succeeded in protecting America's citizens, upholding the Nation's Constitution, and anticipating the challenges that lie ahead. The Agency's many accomplishments over the years would not have been possible without the support from this subcommittee, so thank you. Likewise, the Agency's continued success will depend on our ability to provide the appropriate resources to support the judicial process. Incidents such as the shooting outside the Wheeling, West Virginia Federal courthouse on October 9, 2013, remind us that the USMS must always be vigilant in protecting members of the Federal judiciary. Thomas Picard was armed with an assault rifle and a Glock 9mm handgun when he fired 23 rounds at the Federal courthouse. Deputy Marshals, USMS court security officers (CSO) and local police responded and returned fire. Picard was later pronounced dead at a local hospital. In the exchange, two of the CSOs suffered non-life threatening wounds. No one inside the building was injured during the incident.

In recent years, this subcommittee has also acknowledged the need for additional resources to safely guard the Nation's Federal prison inmate and detention populations. While detention falls under "discretionary" resources, you recognized that there is nothing discretionary in a judicial order to detain an individual before trial. Over the past year we have worked to carefully assess agency spending and, where necessary, make improvements to reduce costs.

The USMS has also benefited from this subcommittee's decision to restore resources to the Agency's Salaries and Expenses appropriation. As a result, we were able to re-ignite our hiring process starting in fiscal year 2014 and will add nearly 200 new Deputies by the end of fiscal year 2015. This will allow us to keep pace with retirements and attrition. Lifting the hiring freeze has also enabled us to hire additional business professionals, including much needed administrative officers, financial analysts, and contract specialists.

The USMS remains committed to its many diverse mission areas, including work with Federal, State, and local law enforcement partners to reduce violent crime in our neighborhoods. This includes arresting gang members and sexual predators who perpetrate some of the most egregious crimes against society. Thank you for acknowledging our work alongside our Department of Justice (DOJ) colleagues at the Federal Bureau of Investigation; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, Firearms and Explosives; Bureau of Prisons; and U.S. Attorneys' Offices.

I can assure you that as a DOJ component, the USMS takes its fiduciary responsibilities very seriously. We have worked diligently with DOJ and the Office of Management and Budget (OMB) to present a reasonable budget that is mindful of the country's financial situation. We also work proactively and creatively to address shortfalls using existing resources. For example, with the subcommittee's support, we reprogrammed \$52 million from the Detention account over the last two fiscal years to avoid furloughing employees in several DOJ components, including the USMS. Aside from a small carryover balance equivalent to one week's worth of prisoner housing, the USMS has worked to ensure that Detention resources were made available to the administration and Congress for other purposes.

It is my ongoing focus and priority to take transformational steps that are making the USMS a data-driven Agency that uses data to drive strategic and tactical business decisions. Ultimately, this is helping us present a performance-based budget to showcase how we are managing the resources appropriated by this subcommittee.

#### FISCAL YEAR 2016 PROGRAM INCREASES

The fiscal year 2016 budget request provides the necessary resources to maintain and enhance core USMS functions. The USMS safeguards the Federal judicial process by: protecting Federal judges, prosecutors, and court personnel; providing physical security in courthouses; protecting witnesses; transporting and producing prisoners for trial; executing court orders and arrest warrants; apprehending fugitives; and managing and disposing seized property. The fiscal year 2016 request supports these missions by maintaining funding for core activities, as well as increasing funding to enforce the Adam Walsh Child Protection and Safety Act, establish annual Law Enforcement Safety Training, and renovate courthouses to remediate security deficiencies.

#### ADAM WALSH CHILD PROTECTION AND SAFETY ACT ENFORCEMENT

The USMS requests \$4.7 million for non-personnel costs associated with training, operations, and licensing fees to enhance the Agency's current level of sex offender enforcement. The National Center for Missing and Exploited Children estimates that there are approximately 769,000 sex offenders living in the United States. Approximately 100,000 of those offenders are non-compliant with their requirement to register. In fiscal year 2014, the USMS arrested 4,470 failure-to-register/noncompliant sex offender fugitives.

One case in particular highlights the depravity associated with this type of criminal element. In September 2013, the USMS arrested Clyde Hall, Jr., a career sex offender who was on the USMS' list of "15 Most Wanted" fugitives. Wanted for violating conditions of release and failure to register as a sex offender, Mr. Hall had been on the run since March 2012 and was the first person added to the USMS "15 Most Wanted" list for violating the Adam Walsh Child Protection and Safety Act. He had a violent and abusive criminal history dating back to 1985, with prior convictions for assault and multiple sex offenses. He admitted to sexually abusing two 10-year-old girls and raping two adult women. Mr. Hall was also diagnosed as a sociopathic career sex offender, prompting the State of New York to label him a Tier III sex offender—New York's most dangerous sex offender classification. By coordinating investigative efforts through the USMS Sex Offender Investigations Branch and the National Sex Offender Targeting Center, the USMS apprehended Mr. Hall on the street in Portland, Maine without incident. His arrest is a prime example of USMS efforts to ensure the safety of innocent children, and law-abiding citizens.

#### LAW ENFORCEMENT SAFETY TRAINING

Officer safety training is one of the highest priorities for the USMS and every effort is made to ensure that personnel are adequately trained and equipped. In fiscal year 2014, Deputy Marshals, working alongside Federal, State, and local partners apprehended or cleared warrants on more than 105,000 Federal and State fugitives. Deputy Marshals risk their lives every day investigating and apprehending the most violent fugitives in the Nation and around the world. Accordingly, we are requesting \$1.5 million for Law Enforcement Safety Training.

Following the deaths of two Deputy Marshals and seven task force officers in fiscal year 2011, the USMS established the Law Enforcement Safety Training program to specifically address high-risk fugitive apprehension. The Agency developed an intensive and comprehensive curriculum in advanced tactics, operational planning, communications, and trauma medicine. To date, the USMS has trained over 1,000 Deputy Marshals across the country under this program.

While we have trained many, we need to train all. We are seeking to hold a minimum of 12 regional courses a year, which would allow us to train all 4,500 Deputy Marshals on staff. I cannot tell you how many times Deputy Marshals have expressed their gratitude for the high quality training that has been provided.

It is important to continue the momentum and provide safety training to all Deputy Marshals. One case highlights the dangers faced by law enforcement every day and reminds us that we must consistently train our personnel to increase our tactical advantage. On September 12, 2014, a sniper opened fire at a Pennsylvania State Police barracks, murdering Trooper Bryon Dickson II and critically injuring Trooper Alex Douglass. The ensuing police manhunt for the suspect, Eric Frein, included 400 Federal, State, and local law enforcement officers from Pennsylvania, New York, and New Jersey. This case had the potential for extreme violence given

that Frein was an accomplished survivalist, outdoorsman, and marksman. Forty-eight days later, on October 30, 2014, the USMS captured Mr. Frein in an open field without incident.

#### GANG ENFORCEMENT

This subcommittee has recognized the urgent need to contain the proliferation of gangs. Criminal gang activity has a severe impact across law enforcement because of its rising prevalence and high level of violence. Gangs are no longer isolated to motorcycle groups and violent urban street gangs. They now exist across the country in urban, suburban, and rural communities, with nearly one million members who are criminally active in the United States.

As the leader in apprehending the worst of the worst criminals, the USMS arrests approximately 300 fugitives per day. Between August 2010 and September 2014, the USMS conducted Operation Triple Beam, a nationwide gang enforcement initiative in 22 cities, which resulted in more than 4,200 arrests, the seizure of more than \$3 million in narcotics, \$1 million in U.S. currency, and over 900 illegal firearms.

Another example of USMS' efforts to combat gangs occurred last October 2014, when the USMS Gulf Coast Regional Fugitive Task Force arrested Christopher Green, a violent Crips street gang member in Greenville, Mississippi. He had outstanding violent felony arrest warrants for homicides in both the Greenville Police Department and the Las Vegas Metro Police Department. Although Green was a member of the Crips street gang in Pomona, California, he traveled around the country as their hit man. Cultivating critical information from confidential sources and using surveillance techniques, Deputy Marshals executed the arrest warrants and captured Green outside his residence without incident. The USMS will continue to vigorously pursue and arrest all violent felony fugitives, including gang members who threaten our communities.

#### COURTHOUSE RENOVATION

The fiscal year 2016 budget requests an increase of \$5.2 million for a total of \$15 million to renovate courthouses and court facilities with the most severe security deficiencies. The USMS occupies space in over 400 courthouse facilities. This space includes vehicle sally ports, cellblocks, prisoner interview rooms, secure corridors, prisoner elevators, and holding cells adjacent to the courtrooms. Construction projects are prioritized to address immediate life and safety issues first. The USMS supports the requested funding level and appreciates the incremental approach to this funding need.

#### DETENTION

The fiscal year 2016 budget requests a total of \$1.5 billion to support the Federal Prisoner Detention (FPD) Program. This request includes base restoration of \$1.1 billion. As part of the fiscal year 2015 appropriated budget, FPD's base was reduced by \$1.1 billion and the same amount was reprogrammed from the Asset Forfeiture Fund. Additionally, as part of the fiscal year 2016 request, \$69.5 million of the carryover projected to be earned during fiscal year 2015 is targeted for rescission.

The requested funding will support an average daily detention population (ADP) of 56,823 given a projected average per diem rate of \$80.60. The projected population reflects an 8 percent decrease from the peak average annual detention population of 61,721 attained during fiscal year 2011. The reduction in the number of prisoners received by the USMS during fiscal year 2014 was unprecedented after an increase the previous 20 years. The decrease in the ADP is attributable to several factors, including systemic efficiencies that have reduced the amount of time prisoners are housed by the USMS. Reductions in detention time are the result of continued fast-tracking of prosecutions—primarily for immigration offenses along the southwest border—and expedited transfers of sentenced prisoners to the Bureau of Prisons.

At this time, the USMS expects that the number of prisoners received into our custody will increase in fiscal year 2015 and fiscal year 2016 resulting in a modest increase in the ADP. The USMS will continue to keep the subcommittee apprised of any changes.

#### ADJUSTMENTS TO BASE

The base adjustments reflect an increase for pay and benefits, the relocation of USMS Headquarters, operations and maintenance for legacy radio equipment, and Department of State charges for overseas staff. I would like to thank the Senate Committee on Environment and Public Works for its support in allowing us to move

to a new Headquarters facility just two blocks from our current location. The move will reduce USMS' footprint by 41,000 square feet, or 10 percent, and save \$9 million in rent annually for a total of \$145 million in savings over the 15-year lease.

CONCLUSION

Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee, on behalf of the men and women of the United States Marshals Service, thank you for your ongoing support of the Agency's programs. I am committed to ensuring that we are efficient stewards of the resources you have entrusted to us. I look forward to working with you to ensure we meet critical safety and security needs protecting the judicial family and process, securing Federal courthouses, protecting witnesses, transporting and producing prisoners, executing court orders, apprehending fugitives, and managing seized property.

Senator SHELBY. Ms. Leonhart.

## DRUG ENFORCEMENT ADMINISTRATION

### STATEMENT OF HON. MICHELE M. LEONHART, ADMINISTRATOR

Ms. LEONHART. Good morning, Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee.

I want to start by thanking Ranking Member Mikulski for her many years of leadership and dedicated service to our country. You have been a trailblazer for women in the Senate, and I am especially thankful for your support of the DEA museum traveling exhibit that went to the Maryland Science Center in Baltimore last year.

Over 350,000 people visited the exhibit during the 7-month run, and they learned not just about law enforcement but also the science behind drugs, addiction, and recovery.

DEA is in mourning this morning after hearing the news of Deputy Josie Wells, and we offer all our assistance to Director Hylton.

The support of this subcommittee has led to the arrest of many violent drug traffickers. This is exemplified by the recent arrests of Servando Gomez-Martinez, also known as "La Tuta," and Omar Trevino Morales. These arrests are another win for Mexico in the fight against brutal criminal cartels like the Knights Templar and Los Zetas, and these arrests, along with last year's capture of Joaquin "El Chapo" Guzman, signal major steps forward in our shared fight against drug trafficking and violence.

Since the Department of Justice began coordinated efforts targeting the most wanted drug traffickers, known as Consolidated Priority Organization Targets (CPOTs), back in 2003, there have been 183 identified around the world. Cumulatively, over three-quarters have been indicted in the United States, over half have been arrested here or abroad, and one-third have been extradited to the United States to face justice.

In fiscal year 2014 alone, we saw several successes against CPOTs, including seven who were extradited to the United States, one surrendered to the United States authorities, and six more who were arrested and are in custody outside of the United States.

Historically, the image of organized crime in the United States was of hierarchical organizations, exerting influence over criminal activities at the local levels with cells of loosely affiliated groups. That still remains true today. However, these organizations now have direct connections to Mexican drug trafficking organizations to distribute heroin, methamphetamine, cocaine, marijuana, and other drugs throughout the country.

This is the new face of organized crime. The violence perpetrated by these groups harms communities across the United States. And DEA is uniquely positioned to target and dismantle the local distribution cells and the international drug trafficking organizations with whom they conspire.

Of notable concern is the alarming level of heroin use and abuse in this country and increases in heroin-related deaths. After years of declining use, the availability and abuse of heroin is now increasing, especially among younger Americans. This is due in part to the increased production of heroin in Mexico, even as Colombian production has declined.

In 2013, 8,257 people died of a heroin overdose, nearly tripling since 2010.

A contributing factor to increasing demand for heroin is prescription opioid abuse. Prescription drug abuse is a nationwide epidemic. Overall, 43,982 people have died of a drug overdose in the United States since 2003, more than half of which involved prescription drugs.

These deaths represent not just a statistic, but they are our family members, our friends, our neighbors, and our colleagues.

If we look at the operational successes we are having today, coupled with the decline in overall drug use, there is reason for optimism. Since its high point in 1979, the overall rate of illicit drug use in America has dropped by over 30 percent.

By taking harmful drugs off the street, dismantling major drug organizations, and seizing their profits, we are making our Nation a safer place to live and to do business, and the support of this subcommittee is critical to our success.

So I look forward to working with you, and will be happy to answer any of your questions. Thank you.

[The statement follows:]

PREPARED STATEMENT OF HON. MICHELE M. LEONHART

Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee:

Good morning, and thank you for inviting me to testify on behalf of the Drug Enforcement Administration (DEA) regarding the President's fiscal year 2016 budget request. DEA is an organization of more than 9,000 employees dedicated to the vital mission of disrupting and dismantling those drug trafficking organizations posing the greatest threat to the United States. I would like to express our collective appreciation for the support that this subcommittee has shown to us over the years. Furthermore, I welcome the opportunity to continue our partnership and to share with you DEA's recent accomplishments and our future plans to help secure our Nation and protect our citizens.

DEA is the Federal law enforcement leader in combating complex and sophisticated drug trafficking and transnational criminal organizations worldwide. As an example, DEA investigations conducted in partnership with Federal, State, local, and international counterparts have contributed to the arrest of major international criminals. The recent arrests of Servando Gomez-Martinez, a.k.a. "La Tuta" and Omar Trevino Morales are another win for Mexico in the fight against brutal criminal cartels. The arrests strike at the heart of the leadership structure of the Knights Templar and the Zetas and serve as yet another warning that no criminal is immune from arrest and prosecution. Their capture, along with last year's capture of Joaquin "El Chapo" Guzman Loera, the leader of the violent Sinaloa Cartel, signal major steps forward in our shared fight against drug trafficking and violence.

Whether countering the threat posed by drug cartels in Mexico; drug financiers and facilitators in Europe; transshipment and distribution coordinators based in west Africa; insurgency groups operating in southwest Asia; or domestic distribution cells operating in cities across the United States; DEA works to build relationships with our law enforcement partners to develop strategies, analyze intelligence, and execute successful counternarcotics programs to bring violators to justice and protect the American people.

We also appreciate Congress' efforts to protect the public from the dangers of designer synthetic drugs. These drugs are one of the most rapidly evolving challenges we face. In response to this growing threat, DEA has coordinated a series of law enforcement actions designed to disrupt the international production and domestic

distribution of synthetic designer drugs. This past May, the second phase of Project Synergy, which involved more than 45 DEA offices, resulted in the serving of nearly 200 search warrants, arrest of more than 150 individuals, and seizure of hundreds of thousands of individually packaged, ready-to-sell synthetic drugs by Federal, State, and local law enforcement authorities, as well as hundreds of kilograms of raw synthetic products to make thousands more, along with more than \$20 million in cash and assets. In addition to targeting retailers, wholesalers, and manufacturers, many of these investigations continued to uncover the massive flow of drug-related proceeds to countries in the Middle East, including Yemen, Jordan, Syria, Lebanon, and others.

DEA targets the world's biggest, most powerful and "Most Wanted" drug traffickers, designated as Consolidated Priority Organization Targets (CPOTs), as well as other Priority Target Organizations (PTOs). These designations are given to drug trafficking organizations with an identified hierarchy engaged in the highest levels of drug trafficking and drug money laundering with significant international, national, regional, or local impact. There have been 183 CPOTs identified since the Department of Justice started tracking them in fiscal year 2003. Cumulatively, 140 (77 percent) have been indicted in the United States, 107 (58 percent) have been arrested here and abroad, and 61 (33 percent) have been extradited to the United States to face justice. fiscal year 2014 saw several successes against CPOTs—including seven who were extradited to the United States; one who surrendered to United States authorities; and six more who were arrested and are in custody outside of the United States.

The most significant drug trafficking organizations today are the dangerous and highly sophisticated Mexican Transnational Criminal Organizations (TCOs) that perpetrate violence along the Southwest Border. Mexican TCOs continue to be the principal suppliers of heroin, methamphetamine, cocaine, and marijuana to the United States. Domestically, distribution cells have become an increasing threat to the safety and security of our communities by forging alliances with Mexican TCOs.

Historically, the image of organized crime in the United States has been hierarchical organizations exerting influence over criminal activities at the local level with gangs of loosely affiliated groups exerting influence over criminal activities in neighborhoods, cities, or States. This remains true today; however, many of these organizations now have direct connections to Mexican TCOs to distribute heroin and other drugs throughout the country. In particular, the majority of the methamphetamine in the United States is produced in Mexico and much of it is distributed as a result of these affiliations. It is a symbiotic criminal relationship—the Mexican TCOs have the transportation infrastructure in place to deliver the drugs to domestic distribution cells which have established and tested distribution networks. This is the new face of organized crime.

The threat of these organizations is magnified by the high level of violence associated with their attempts to control and expand drug distribution operations. They often engage in armed home invasions of rival drug storage locations to steal drugs or money with innocent and hardworking citizens caught in the crossfire. The crime and violence perpetrated by these groups harm communities across the United States. DEA is uniquely positioned to target and dismantle the local distribution cells and the international drug trafficking organizations with whom they conspire.

In addition, the distribution cells and the Mexican and South American traffickers who supply them are the main sources of heroin in the United States today. Heroin use in this country has reached alarming levels and many localities are reporting increases in heroin related deaths. A contributing factor to increasing demand for heroin is prescription opioid abuse. Prescription drug abuse is the Nation's fastest-growing drug problem. Recently, the Centers for Disease Control and Prevention reported that 43,982 people died of a drug overdose in the United States in 2013, the most recent year for which information is available. Nearly 52 percent of those drug overdose deaths (22,767) involved prescription drugs. Of those deaths, 71 percent (16,235) involved an opioid analgesic, also known as prescription painkillers. The report also reflected significant increases in heroin related deaths—8,257 people died of a heroin overdose in 2013, nearly tripling since 2010. These deaths represent not just a statistic, but our family members, friends, neighbors, and colleagues.

The annual economic cost of nonmedical use of prescription opioids in the United States was estimated at more than \$55 billion in 2007. The number of drug overdose deaths, particularly from controlled prescription drugs, has grown significantly in the past decade and in 2012 surpassed motor vehicle crashes as the leading cause of injury death in the United States. The Drug Enforcement Administration remains committed to preventing, detecting, and deterring the diversion of pharmaceutical controlled substances that supply drug addiction and abuse.

DEA's Diversion Control Program is using all criminal and regulatory tools possible to identify, target, disrupt, and dismantle individuals and organizations responsible for the illicit manufacture and distribution of pharmaceutical controlled substances in violation of the CSA. The deployment of Tactical Diversion Squads (TDS) is DEA's primary method of criminal law enforcement in the Diversion Control Program. The recent expansion of the TDS program has resulted in 66 operational TDSs throughout the United States, covering 41 States, Puerto Rico, and the District of Columbia. These TDSs incorporate the enforcement, investigative, and regulatory skill sets of DEA Special Agents, Diversion Investigators, other Federal law enforcement, and State and local Task Force Officers. The expansion of the TDS groups has enabled the Diversion Groups to concentrate on the regulatory aspects of the Diversion Control Program.

#### FISCAL YEAR 2016 BUDGET REQUEST

The fiscal year 2016 President's Budget request will provide DEA with the resources needed to build upon our successes and to continue to address these emerging threats. The budget requests \$2.092 billion for the DEA's Salaries and Expenses Account, an increase of 2.9 percent over fiscal year 2015. In fiscal year 2016, DEA expects to face an estimated \$49.8 million in increased costs to maintain current operations. In addition, the budget requests \$371.5 million for the Diversion Control Fee Account (DCFA), which is necessary to cover the cost of operating DEA's Diversion Control Program. The amount requested represents a \$31.7 million increase over DEA's fiscal year 2015 funded operations, primarily due to the restoration of fiscal year 2015 sequestration in fiscal year 2016. These resources will allow DEA to continue targeting significant drug trafficking organizations, consistent with the Department of Justice's Smart on Crime Initiative.

In addition, DEA is requesting enhancements in the areas of International Drug Enforcement Priorities (\$12.0M); De-confliction and Information Sharing (\$7.4M); and National Security (\$4.5M). The requested enhancements provide DEA with the tools necessary to lead and assist our Federal, State, local and international partners in targeting the most significant drug trafficking organizations.

Let me summarize the DEA efforts that will be supported with this enhanced funding.

#### INTERNATIONAL DRUG ENFORCEMENT

Transnational Criminal Organizations are a growing threat to U.S. national security. Their operations fuel corruption, destabilize governments, and undermine the rule of law, and are overwhelmingly funded by profits from drug trafficking. Over the last 40 years, DEA has developed effective programs for combating these organizations and has seen significant results.

While we continue to target Mexican and South American TCOs in the traditional drug trafficking corridors, we are increasingly seeing them expand their footprint in Africa, which affects the U.S. both directly and indirectly. Africa is a key storage and transshipment location for South American cocaine destined for distribution in Europe and elsewhere. These organizations are partnering with local criminal groups for logistical support and using drug-related profits to further their illegal activities in the U.S., Africa and Europe. DEA's experience shows that in order to address the threat posed to the U.S. by these TCOs, long-term success will depend upon the successful implementation and continued development of programs that bolster the law enforcement capacities and capabilities of our host nation counterparts worldwide. The fiscal year 2016 President's budget supports two of these critical international programs: Sensitive Investigative Units and Bilateral Investigations Units.

#### *Sensitive Investigative Units*

Funds requested for International Drug Enforcement Priorities will be used to support and expand a key element of DEA's international efforts: the Sensitive Investigative Unit (SIU) program. DEA's SIU program helps build effective and vetted host nation units capable of conducting complex investigations targeting major drug trafficking organizations. DEA currently mentors and supports 13 SIUs, which are staffed by over 800 foreign counterparts. The success of this program has unquestionably enhanced DEA's ability to fight drug trafficking on a global scale. To maintain this operational momentum, \$8.1 million is needed to sustain and further develop the capacity and capabilities of existing SIUs. This funding will support training, vetting, program coordination, judicial wire intercept systems and other IT-related requirements.

#### *Bilateral Investigations Units*

Bilateral Investigations Units (BIUs) are one of DEA's most important tools for targeting, disrupting, and dismantling significant TCOs. The BIUs use extraterritorial authorities to infiltrate, indict, arrest, and convict previously "untouchable" TCO leaders involved in drug trafficking. The fiscal year 2016 President's budget proposes enhancing the operational funding for BIUs by \$3.9 million and expanding their capabilities by establishing a BIU Financial Investigative Team (FIT). The BIU-FIT will focus on the investigating the financial aspects of these organizations. The proposed increase will allow DEA to continue to build on the success we have had in targeting, disrupting, and dismantling TCOs as well as denying TCOs revenue from illicit drug proceeds before they can be used to fund other criminal activities.

#### DE-CONFLICITION AND INFORMATION SHARING

##### *De-Confliction Systems*

The President's fiscal year 2016 budget requests \$1.5 million which will allow DEA to better leverage our expertise in de-confliction and information sharing to promote increased cooperation between our Federal, State, and local law enforcement partners. Enhancements will allow DEA to increase its capability to coordinate many of the Department's violent crime and international organized crime investigations. These systems are such an integral component of the Department of Justice's (DOJ) de-confliction efforts that in May 2014, the Deputy Attorney General specifically directed all DOJ law enforcement components to use DEA's systems to de-conflict ongoing investigations.

##### *El Paso Intelligence Center*

The El Paso Intelligence Center (EPIC) offers tactical, operational, and strategic intelligence support to Federal, State, local, tribal, and international law enforcement agencies and provides de-confliction services, leveraging databases from both internal and external stakeholders. EPIC has relationships with law enforcement agencies in all 50 States and partner organizations in the international law enforcement community. Included in the President's budget request is an additional \$5.9 million to increase the capabilities of EPIC's information systems, including funds to upgrade the existing IT system to a more robust system portal; enhance analytical capabilities; and support updates to vital technology equipment and compliance with security requirements.

#### NATIONAL SECURITY

DEA ensures that national security information obtained during the execution of our worldwide drug law enforcement mission is expeditiously shared with both the national security and intelligence communities. DEA's Office of National Security Intelligence (ONSI) shares more than 5,000 reports a year that contain information on topics of national security interest. The fiscal year 2016 President's budget requests funding to support the Defensive Counterintelligence Program (DCI-P), which serves as a central coordination point for all DEA DCI-P matters, including personnel reliability; physical security; safeguarding of both intelligence and law enforcement sensitive sources and methods; and general security and counterintelligence threat awareness and threat detection. In addition, the fiscal year 2016 President's budget requests resources for additional reports writers, ensuring that DEA will continue to meet its statutory responsibility to share national security-related information, and for other national security activities.

#### CONCLUSION

DEA's enforcement efforts have contributed significantly to the overall strategy to reduce the availability of drugs in the United States. According to an analysis by the Substance Abuse and Mental Health Services Administration, illicit drug use rates are lower by approximately one-third compared to 30 years ago. Since 2006, we have seen important decreases in the number of past month users, aged 12 and older of cocaine (from 1.0 percent to 0.6 percent, or roughly a million fewer persons). Statistics like these demonstrate that through a balanced drug control strategy, one that includes strong enforcement, education, prevention, and treatment components, we can make significant progress in protecting our Nation from drug abuse and its consequences.

DEA's unique, single mission focus gives us the ability to focus resources on disrupting and dismantling the world's "Most Wanted" drug traffickers that have the most significant impact on the U.S. drug market. With your support and the back-

ing of the American people we will continue our efforts to address these challenges.  
I would be pleased to answer any questions you may have.

Senator SHELBY. Mr. Jones.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
EXPLOSIVES

**STATEMENT OF HON. B. TODD JONES, DIRECTOR**

Mr. JONES. Good morning, Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee.

Thank you for the opportunity to appear before you today with my colleagues. This is a great team that I am privileged to work with within the Department of Justice. And I think, together, we are moving forward to enhance public safety around the country on behalf of the citizens that we serve.

I am also pleased to be here to discuss the President's fiscal year 2016 budget request for ATF.

ATF's principal mission is to protect our communities from violent criminals who illegally possess and use firearms, use explosives for illicit purposes, and engage in deadly acts of arson. We accomplish our mission through partnerships and through the enforcement of the criminal law and regulations of the firearms and explosives industry.

This makes us somewhat unique among U.S. law enforcement, and we have a long history of maintaining working relationships, not only with our Federal partners, but with our State and local partners. And we put a premium on those partnerships.

The public safety agencies, the industry groups, and the community organizations that we work with are vital to us being able to accomplish our mission. When serious violent crime happens at communities across the country, ATF is there working side by side with our partners.

In the past 3 years alone, ATF has been at the frontline against crime, helping our partners investigate the Boston Marathon bombing, the horrific mass shootings in Aurora, Colorado, and Newtown, Connecticut, and the Washington Navy Yard, as well as assisting in thousands of other investigations that have simply not made the national news.

ATF's work with its partners is producing tangible results in communities across the country. But our discussion today, I hope, leads to some help for you all in sustaining the results that we have accomplished in various places around the country.

For example, we recently completed an enhanced enforcement operation and initiative in New Haven and Bridgeport, Connecticut, and in Chicago, Illinois. And in both circumstances, we have made an impact working with our State and local colleagues on diminishing and lowering violent crime in those communities.

We accomplished this not only through manpower and strong partnerships, but by also leveraging our technology resources, such as NIBIN, the National Integrated Ballistics Information Network. This technology compares high-resolution images of cartridge cases, and the Senator alluded to it earlier, recovered from multiple crime

scenes, and compares and contrasts in our follow-the-gun strategy to identify the worst of the worst offenders in communities.

This technology has been integrated with eTrace, and we are, in certain communities around the country, test-driving crime gun intelligence centers. That is showing very promising results.

ATF's contributions to public safety extend beyond these operational successes, though. As Director Comey mentioned, TEDAC is in Huntsville. We also have our National Center for Explosives Training and Research there, established through the support of the chairman and members of this subcommittee, and it's performing important work.

By the end of fiscal year 2016, the National Center For Explosives Training And Research (NCETR) will significantly increase its staffing by 30 percent and work on increasing fire and arson investigations, in addition to explosives research.

Because we have gotten healthier as an organization over the last several years, we will offer several courses that haven't been offered, because training is usually the first thing to go when you have tough budget times, unfortunately.

In addition, we will be bringing our U.S. Bomb Data Center from ATF here in Washington, DC, and putting it in the NCETR facility in an effort to make sure that we are not only fully integrating our capacity, but collaborating at the highest possible levels with the FBI's Terrorist Explosive Device Analytical Center that is down there in NCETR.

Another important ATF asset, our Fire Research Lab in Ammendale, Maryland, is currently involved in the research of several high-profile fire incidents. I want to thank this subcommittee for the support that our lab has. Surprisingly to me, I have learned that across the country our arson research capacity is something that is a great treasure to Federal law enforcement. We have worked on several significant arson investigations with State and local law enforcement trying to figure out what happened.

We are performing tests recently on the West Texas fertilizer plant that killed 15 first responders and injured 160. We are currently looking at the horrific fire that happened several months ago in Annapolis that killed a grandmother, a grandfather, and their grandchildren, trying to determine some of the issues with Christmas trees.

This kind of research is taken care of very quietly, but will be very helpful to public safety across-the-board.

To support this important work, and I look forward to discussing it further, ATF's 2016 budget request totals \$1.26 billion, including 5,100 permanent positions, nearly half of which are special agents.

This request includes a \$52 million increase in base resources that really is focused, as Director Comey mentioned, on our human capital. ATF has a very experienced special agent workforce. Within the next 3 years, we will have nearly 35 percent of that workforce be either mandatory or eligible for retirement. We need to do all we can over the next several years, including in this budget cycle, to refresh and get new agents out there before the senior agents leave.

I look forward to answering your questions.

And I do want to maybe set the table here as a preemptive. The chairman mentioned in our regulatory effort, a proposal that we requested comments on for the last 30 days. That comment period will close.

It involved an exemption for a particular type of 5.56 round. We have nearly 90,000 comments. We will assess those comments. Working with you, and with others, we will see how we can really address what was at the genesis of that posting, which was an effort to address nearly 30 exemption requests and finding a framework for dealing with that.

With that said, I see the time is over, and I will be happy to answer any questions that you have.

[The statement follows:]

PREPARED STATEMENT OF HON. B. TODD JONES

Chairman Shelby, Ranking Member Mikulski, and members of the subcommittee, thank you for the opportunity to appear before you today. I am pleased to be here to discuss the President's fiscal year 2016 budget request for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

ATF's principal mission is to protect our communities from serious and violent criminals who illegally possess and use firearms, use explosives for criminal purposes, and engage in deadly acts of arson. We accomplish our mission through both the enforcement of criminal law and the regulation of the firearms and explosives industries. ATF has a long history of delivering our expertise and capabilities to our Federal, State, and local partners. We provide critical resources and support to them in the fight against violent crime. We highly value our partnerships and strong working relationships with law enforcement, public safety agencies, industry groups, and community organizations. When violent crime strikes our Nation, ATF is there working side-by-side with our partners, supporting them with our specialized skills, tools, and experience. In the past 3 years alone, ATF has been at the frontline fighting against crime and helping our partners investigate tragedies such as: the Boston Marathon Bombing; the horrific mass shootings in Aurora, Colorado; Newtown, Connecticut; and the Washington Navy Yard, as well as assisting in thousands of other less publicized investigations.

Across the country, ATF and our partners pursue the most violent criminals, particularly those who engage in organized gang violence or illegally supply those gangs with firearms. Recently, ATF completed enhanced enforcement initiatives in New Haven/Bridgeport, Connecticut and Chicago, Illinois. In total, 350 defendants were accepted for prosecution and ATF seized or purchased more than 350 crime guns during these operations. In Chicago alone, the approximately 200 charged defendants had almost 3,000 prior felony arrests. We accomplished this with additional ATF manpower, our partners, and technology such as ATF's National Integrated Ballistic Information Network (NIBIN), which compares high resolution images of cartridge cases recovered from multiple crime scenes to link firearms to multiple shootings. I'm proud of what we are able to achieve for the citizens of those communities.

For ATF to more effectively combat violent crime and better serve our partners and our communities, we developed "Frontline", a business model that prioritizes our resources to those areas and programs that will have the greatest impact on fighting violent crime, whether that is firearms trafficking, gang, arson/explosive or tobacco investigations. We accomplish this, in part, by assessing each ATF field division for efficiency and effectiveness and making any necessary changes to improve mission performance.

We partner more closely and effectively than ever with State and local law enforcement in fighting violent crime. In many instances local law enforcement has experienced significant budget cuts, and the violent crime enforcement expertise and training we provide is often reported as a key component of their success. In fact, during the last year we trained thousands of local law enforcement across ATF's jurisdiction of firearms, explosives and arson. Some specific courses included Advanced Firearms Trafficking Techniques, Advanced Explosives Disposal Techniques, Basic Fire Origin and Cause Determination, Accelerant Detection Canine Course, Arson for Prosecutors, and two NIBIN-related courses. Programs such as eTrace (a paperless firearms trace request submission system and interactive trace analysis module that facilitates firearms tracing) and NIBIN provide tools extensively used

by State and local law enforcement to combat violent firearm crimes. Using these programs, ATF traced more than 364,000 crime guns last year.

ATF's Fire Research Lab in Ammendale, Maryland is in the midst of several significant research projects on high profile arson/explosive incidents with our State and local partners. In February 2015, lab personnel performed testing related to the April 17, 2013, explosion and fire at the West, Texas, fertilizer plant that killed 15 and injured 160. ATF is working with the Texas State Fire Marshal's Office to study various hypotheses in an effort to determine the origin and cause of the fire and explosion. Further, based on ATF's expertise in arson/explosive incidents, ATF supported the investigation of the fire that claimed six lives 2 months ago in Annapolis, Maryland. Investigators concluded an electrical failure ignited the skirt of the family's Christmas tree. We will perform tests in early April to better understand the fire dynamics related to Christmas tree fires. This information can then be released to our State and local fire investigator partners to help them prevent any further loss of life and property through similar occurrences.

ATF's National Center for Explosives Training and Research (NCETR), in Huntsville, Alabama—established through the support of the Chairman and members of this subcommittee—is also performing important research and development to fulfill our explosives enforcement and training missions. This year, NCETR will increase their staffing by more than 20 percent. This will allow ATF to immediately increase fire and arson investigation training. We will offer several training classes to State, local and Federal investigators and prosecutors that have not been offered in a number of years. NCETR is redeveloping these classes and once complete we will enroll students in this state-of-the-art training.

Additionally, the NCETR Explosives Research and Development Division will hire engineers and support positions to provide much needed research and development capabilities for ATF and our partners, such as the National Ground Intelligence Center and the National Counter Terrorism Center. Lastly, ATF is relocating the U.S. Bomb Data Center (USBDC) from ATF Headquarters to the NCETR facility. These expansions in ATF's capacity at NCETR will enhance and complement our collaboration with our partners at the FBI, which also maintains a facility near NCETR. We are gratified by the opportunity to reinvigorate our explosives and arson investigation training in coordination with our research and development mission at NCETR. We are equally gratified by the opportunity to expand collaboration with the FBI's Terrorist Explosive Device Analytical Center (TEDAC) on counter terrorism matters, advisories, bulletins, and reports about testing and research. Enhancing our ability to develop and report best practices to the explosives and arson investigation communities are great steps forward for NCETR.

#### FISCAL YEAR 2016 BUDGET REQUEST

ATF's fiscal year 2016 budget request totals \$1.26 billion in direct budget authority, including 5,111 permanent positions, nearly half of which are ATF Special Agents. This request includes a \$52 million increase for base resources required to support ATF's workforce and infrastructure at a critical juncture—between now and fiscal year 2019 nearly 1,000 of our current 2,500 ATF Special Agents will become eligible for retirement. That represents more than one-third of our special agents. ATF is taking significant steps in hiring to address this attrition bubble, but we require the continued funding level support requested in this budget to maintain this effort.

In addition, ATF's fiscal year 2016 budget includes one program enhancement—\$8.1 million to continue increasing capacity and reducing backlogs at ATF's Martinsburg, West Virginia, facility. This increase will allow ATF to add 10 Legal Instrument Examiners as well as additional contract support to continue to reduce the backlog in processing National Firearms Act (NFA) registrations. The additional funding will also improve ATF's firearms tracing operations, a unique and vital violent crime fighting asset that is heavily relied upon by our State, local and Federal law enforcement partners.

In this era of tighter budgets, ATF is doing more than ever to ensure that taxpayer resources are directed to areas that generate the greatest public safety value and return on investment. We do this by prioritizing our resources, partnering with our Federal, State and local colleagues, and using existing technologies in new and innovative ways to fight violent crime.

Let me give you some additional examples of how ATF has become more strategic: —The deployment of the Mobile Bomb/Arson Tracking System (BATS) will enable over 10,000 Federal, State and local law enforcement and public safety inter-agency users to report arson and explosives incidents from the scene of the incident, reducing the average reporting time from 35 days to one day.

- The National Firearms Act Branch performed many innovative staffing enhancements, including the cross training of existing personnel, with the net effect of a 58 percent reduction in the Branch backlog.
- The National Tracing Center saved \$50–\$70 million on the digital conversion of microfilm and microfiche.
- NIBIN will downsize its server population resulting in cost reductions, improved performance capabilities, and improved efficiencies in communication lines.
- ATF performed an agency-wide technology refresh, replacing all personal computers and updating operating systems.
- ATF will reallocate any realized savings to enforcement and industry support operations. If you or your staff would like details on these cost savings that I have highlighted, we will be glad to brief you on them in more detail.

Mr. Chairman and members of the subcommittee, I want to conclude by saying that ATF is proud of its contributions at the frontline fighting against violent crime. We are recognized by Federal, State, and local law enforcement agencies across the country for our expertise and take great pride in our successes that reduce gun violence and remove violent offenders from the streets. I am humbled by the exceptional work done every day by ATF Special Agents, Investigators, and professional support staff combating violent crime. Even in times of adversity—which can come often when you are in our line of work—I am proud to tell you that the dedicated men and women of ATF have continued, day in and day out, working tirelessly to enhance the safety of all Americans. They and their families have my deepest gratitude for the sacrifices this often difficult work requires and I am honored to be here today to represent ATF.

Senator SHELBY. Thank you very much.

I will direct my first question to you, Mr. Jones.

On February 13, the ATF released a proposed framework that would have eliminated the M855 “green tip” ammunition from the sporting purposes exemption. This week, ATF abandoned this proposal.

A lot of us are troubled at the ATF’s process and intent regarding this proposed ban. I have heard from numerous constituents who use this ammunition for shooting sports and hunting, and they are strongly opposed to the ban, as you know.

Additionally, it is concerning to a lot of us that the new Federal Firearms Regulation Reference Guide published in January inexplicably removed M855 ammunition from the exemption list for sporting purposes.

Why did the ATF propose this M855 ban when such ammunition has been allowed under the sporting purposes exemption for many, many years?

#### THE EXEMPT FRAMEWORK FOR ARMOR PIERCING AMMUNITION

Mr. JONES. Senator, thank you for the question. I think it’s important for everyone to understand again that the genesis of us putting that framework proposal up for public comment was our good faith effort to try and construct a framework to deal with nearly 30 exemptions that we have had in the queue for many, many years at ATF.

We do have a responsibility to regulate. We can’t stick our head in the sand with respect to additional exemption requests.

The M855 exemption has been in place for nearly 30 years. It was a classification that ATF made on that particular round.

I want to make sure everybody understands that this was not, contrary to some in the blogosphere, an effort to completely ban that certain type of cartridge. It is this one particular “green tip” that is, in essence, military surplus that, under the Law Enforce-

ment Officers Protection Act (LEOPA), does qualify as armor-piercing, but has had an exemption for 30 years and been in the market and used for sporting purposes for the last 30 years.

Our request for input on a framework was our effort to try and get a transparent process where we could act on the nearly 30 other exemptions that were there, and not look at the exemption that was out there on M855.

I think the reality of this is, we need to deal with the pending exemptions. There aren't going to be any new exemptions granted until we work our way out through this. The exemption for M855 has been there for 30 years and will remain.

Senator SHELBY. And you abandoned it this week, did you not?

Mr. JONES. We are going to take the input in. We are not going to move forward without analyzing the nearly 90,000 comments from all spectrums, with a sense of figuring out how we do this rationally, in a common-sense way that, first and foremost, for us, protects our law enforcement officers in compliance with LEOPA.

#### TERRORIST EXPLOSIVE DEVICE ANALYTICAL CENTER

Senator SHELBY. I will direct this question to the FBI Director. You talked about earlier the Terrorist Explosive Device Analytical Center we call TEDAC, and so forth, and how important it is.

What is TEDAC's operational and construction status at this point? And when will the facility be fully operational? Do you know?

Mr. COMEY. I think we are on track, Senator, to open sometime late this spring or in summer. I went down there to check on its progress, because I am keenly interested in it. The building is up. It looks good to me, but there are other things that still have to be done for it to be ready.

We had some delays because our contractor has struggled with some of the unique technical requirements we need to deal with explosives in that building. But my understanding is we are on track for a no later than summer opening.

Senator SHELBY. How is the ATF working cooperatively with you, with the FBI, on this? Have they put their good officers forward to work with you and cooperate with the FBI, regarding TEDAC?

Mr. COMEY. Yes, as they always do. As Director Jones said, one of the hallmarks of ATF is they are a great partner in a whole host of ways, and they are with TEDAC.

#### NATIONAL CENTER FOR EXPLOSIVES TRAINING AND RESEARCH

Senator SHELBY. Director Jones, you referenced NCETR a few minutes ago. Where are we exactly on that, as far as staffing the program? We call it the National Center for Explosives Training and Research. You mentioned this earlier in your testimony.

Mr. JONES. I have had an opportunity on a number of the occasions to go to NCETR. It is a wonderful facility for our organization, and it's a wonderful asset.

I think when TEDAC is up and running, and with what we have already done at NCETR, and what we plan to do at NCETR, we will expand beyond the explosive training and research, focusing primarily on homemade IEDs and some of the research there, is expand into the fire and arson realm. We have a great lab in

Ammendale, but we are doing some work down at NCETR and that necessitates us moving additional personnel there.

I think the main thing is that we are finally going to move the U.S. Bomb Data Center personnel from Washington down there to NCETR, as originally envisioned, and that is going to happen this year.

Senator SHELBY. One last question to the FBI director, how is the FBI responding to the Army's separation from the Hazardous Devices School? They had sent word, as I understand it, where they have had a partnership there, and the Army has indicated they no longer will provide personnel to the school. But I think that is an important operation there.

Mr. COMEY. I agree completely, Mr. Chairman.

We are working with them to see if there are folks who they are no longer going to have there as part of their complement that can come work for us, so we don't lose the expertise. Our overall commitment is not to lose any capability there.

In fact, as you know, with the support of this subcommittee, we are expanding that training facility, because there is such a hunger for advanced bomb tech training.

Senator SHELBY. Thank you.

Senator Mikulski.

Senator MIKULSKI. Mr. Chairman, thank you, and I also want to compliment you on the fact that we are going to continue the tradition of the subcommittee of a classified hearing after this, because so much of what we want to do about counterterrorism and organized crime are questions better said in that. Thank you very much for being able to provide us with that opportunity.

I have, essentially, two questions.

#### HEROIN

One, though, I want to raise is about heroin. And I have a significant issue in Maryland, and it has been raised by our local DEA people, as well as Governor Hogan. And we have heard a place like Vermont has declared it the "state of the State" issue.

In fiscal year 2015, this subcommittee requested that the Department of Justice (DOJ) convene a task force to come up with a comprehensive Federal solution of law enforcement health care treatment and prevention, not only law enforcement.

Director Comey, you told me that it had been handed to the DEA. Is that right?

So could you tell me what DEA is doing? And are you the task force that I asked for, because we have gotten very little feedback about it?

Ms. LEONHART. Sure, I would be glad to address that.

The task force you called for was not tasked to DEA, but I do know that the department has been looking at it and actually has convened some meetings that we have attended to put together—

Senator MIKULSKI. Is there a Department of Justice task force, and I will ask the Attorney General, that you know of that has the task force that we asked for?

Ms. LEONHART. I know that they have had meetings with people outside the department and within the department, and have gathered—

Senator MIKULSKI. Okay, so they didn't do it. And we will come back to that.

Could you tell us, though, what you are doing, Ms. Leonhart?

Ms. LEONHART. Sure. Maryland is a perfect example, when we are talking about what it's going to take for our country to actually stem the flow of the rising heroin problem.

As you know, in Maryland, heroin deaths nearly doubled. And, in fact, when you look at all overdose deaths in Maryland last year, the majority of them were actually heroin overdoses.

Over the past year, we put together a local task force. We have one in Baltimore. We have a similar task force arrangement here locally that we are working with our partners.

But in Baltimore, we became very concerned about why this rise in heroin overdoses. We understand why there is more heroin coming into our country, and that is because more and more of it is coming—it's almost all Western hemisphere, but more and more of it is coming from Mexico and is being controlled by the same Mexican organizations and trafficking groups that we see all across the country who have brought cocaine, meth, marijuana to our communities.

So we started looking at it, and we started to be concerned—

Senator MIKULSKI. Remember, I have 5 minutes, so could we get—

Ms. LEONHART. Sure. We started to be concerned because there was an epidemic of fentanyl-laced heroin that caused overdoses, especially in Chicago and Detroit a few years back. So we started working with the medical examiner offices, coroners, working with county police departments. And we are looking at those deaths, and we are finding that a number of them are actually fentanyl-laced heroin overdoses.

So we have efforts going enforcement-wise, public service announcements, warning local law enforcement—

Senator MIKULSKI. How many of these task forces do you have, along with this great work you are doing in the Baltimore community?

[The information follows:]

#### BACKGROUND

Heroin abuse and availability are increasing, particularly in the Eastern United States. As reported in the National Survey on Drug Use and Health (NSDUH), between 2008 and 2012, there was a 37 percent increase in new heroin users. This demand is driven in part by controlled prescription drug (CPD) abusers switching to heroin as it is more available and less expensive. As a result, many cities and counties across the United States, particularly in the Northeast and Midwest, are reporting increased heroin overdose deaths. In addition, a rapidly growing amount of heroin is being smuggled into the United States on a daily basis.

#### DEA TASK FORCES

DEA leads 192 task forces, which are made up of multiple Federal, State, and local law enforcement agencies within a specific region. They facilitate investigations by enhancing interagency coordination and intelligence sharing, leveraging Federal resources, and combining DEA expertise with local officers' investigative talents and knowledge of their respective jurisdictions. Their mission is to identify, disrupt, and dismantle the most serious domestic and international drug trafficking and money laundering organizations responsible for the Nation's drug supply. Most drug trafficking organizations are multi-drug in nature; therefore, in general, DEA task forces do not target specific drugs.

The Northeast United States, particularly New England, continues to see a steady increase in heroin and opioid abuse and associated overdoses. In April 2015, the Department of Justice's Organized Crime Drug Enforcement Task Forces (OCDETF) allocated additional funding to be used to address the surge of heroin overdoses in the New England Region. The funding will be provided to the DEA-led Boston OCDETF Strike Force as part of Operation HEAT (Heroin Enforcement Action Team). The task force will focus on heroin investigations and respond to overdoses in eastern Massachusetts, gathering pertinent information to develop a clearer understanding of major heroin traffickers in the region. The DEA-led OCDETF Fusion Center will play a key role in Operation HEAT by conducting target profiles on intelligence developed by investigators. In addition, DEA's Special Operations Division GangTECC will support Operation HEAT by providing case coordination, telecommunication exploitation, and funding for the interception of communication devices.

#### TASK FORCE SUCCESS STORIES

*Maryland.*—In February 2014, the Baltimore District Office (BDO) created a Task Force to deal with the significant increase in the fentanyl-laced heroin overdoses occurring in Maryland. Recently, the Chief Medical Examiner and the Maryland Department of Health and Mental Hygiene reported 141 fentanyl-related intoxication deaths within the State between January and September 2014. For the preceding 7 years, the State averaged just 22 fentanyl-related intoxication deaths in the same 9-month period. Further, the BDO recently instituted Operation Trojan Horse—an operational collaboration between DEA, the High Intensity Drug Trafficking Areas (HIDTA) program, and various Maryland State and local law enforcement partners, including seven of the most afflicted areas of the State. The Task Force is designed to work as a data collection clearinghouse that will solicit, process, and analyze information from all fatal and non-fatal overdoses occurring in the State of Maryland. The data will be shared with HIDTA and the respective State and local law enforcement agencies to ensure proper deconfliction, coordination, and cooperation.

Additionally, the BDO will engage with all participants to bolster the development of educational and drug awareness programs, viable tactics, and all applicable enforcement avenues to mitigate the further spread of heroin/fentanyl and other abused opiates.

*Pennsylvania.*—In August 2013, the DEA Philadelphia Division Intelligence Program was an integral part of the establishment of a Pennsylvania statewide Overdose Rapid Response Task Force, in conjunction with the Pennsylvania Office of Drug & Alcohol Program, the Pennsylvania State Police, the Philadelphia/Camden HIDTA, and the Pennsylvania Office of the Attorney General. This information sharing task force continues to function as a clearinghouse for drug overdose data collection and information sharing with law enforcement, public health, treatment, and policymakers throughout Pennsylvania.

The Philadelphia Division has prioritized heroin investigations leading to bulk heroin seizures in Pennsylvania with an estimated value of \$6.2 million in 2014. Priority Target investigations conducted within and outside the Philadelphia Division have resulted in these seizures of Mexican drug trafficking organization (DTO)-sourced white heroin.

*Florida.*—Since July 2013, the West Palm Beach District Office (WPBDO) Task Force and the Delray Beach Police Department have conducted an investigation into a heroin DTO operated by Gary Moore. During the onset of the investigation, 5 heroin/fentanyl mixture overdose deaths were reported out of 24 total heroin overdoses in the area. Eight of these overdoses have been traced to the Moore DTO. Over the last year and a half, DEA and law enforcement partners infiltrated the Moore DTO using judicially authorized Federal Title III Intercepts. On January 14, 2015, the WPBDO Task Force executed 7 search warrants and 17 Federal arrest warrants, resulting in the seizure of approximately 3 kilograms of heroin, 7 vehicles, 5 firearms, approximately \$40,000, and the arrest of 17 members of the Moore DTO.

#### INTERAGENCY HEROIN TASK FORCE

Additionally, the administration's interagency Heroin Task Force held its first meeting in April 2015. This task force is co-chaired by U.S. Attorney for the Western District of Pennsylvania David Hickton and Office of National Drug Control Policy Deputy Director for State, Local and Tribal Affairs Mary Lou Leary, and includes Federal agency experts from law enforcement, medicine, public health, and education. The task force will take an evidence-based approach to reducing the public safety and public health consequences caused by heroin and prescription opioids.

## SUMMARY

Heroin is a growing problem in the United States and is being driven by many factors, including an increase in the misuse and abuse of prescription psychotherapeutic drugs, increases in heroin purity and availability, the decreasing street cost of heroin, expanded Mexican DTOs' involvement in the distribution of heroin, and the lack of public awareness of the risks of heroin use. In response, DEA has increased enforcement and prevention efforts and expanded its coordination with government and private sector partners. DEA is well underway in its efforts to fully understand the threat and ultimately reduce the abuse and availability of heroin and opioids in illicit drug markets in the United States.

Ms. LEONHART. Well, I know the Washington High Intensity Drug Trafficking Areas (HIDTA) program is working—

Senator MIKULSKI. No, no, no. I am asking DEA, the Baltimore efforts, I compliment you on. Okay?

I am frustrated that DOJ did not do the comprehensive thing. Law enforcement is a tool. We have to look at prevention, enforcement and interdiction, and then recovery, okay?

Ms. LEONHART. Yes.

Senator MIKULSKI. So that is not going on.

You are doing a great effort. Do you have seven of these? Do you have 17 of these efforts? How many do you have?

Ms. LEONHART. We have the main effort in Baltimore, but we also have a couple of different task forces operating and coordinating together here in Washington, DC, and then we have communities throughout the country where we have replicated what Baltimore did.

The results of what we have done, when we have been able to get health folks together, law enforcement—

Senator MIKULSKI. Okay.

I am going to ask you. What are you doing on drugs, Director Comey.

Mr. COMEY. In every field office, we are engaged in focusing on the complex trafficking organizations, almost all the time in partnership with DEA. Our contribution to the heroin epidemic has been to work with DEA to try and disrupt the traffickers who are bringing it in.

Now we have not touched the other pieces you talked about.

Senator MIKULSKI. And does the Marshals Service have a role?

Ms. HYLTON. Our role is primarily dedicated to the regional task forces and district task forces on the apprehension of the fugitives involved. And so we work collectively with our colleagues here, and the States and locals, in apprehending drug fugitives.

Senator MIKULSKI. Mr. Jones.

Mr. JONES. Our role really is to look for the worst of worst, those that are employing firearms to commit violent crime that protect either their organization, or their business. The guns are always the driver for us, but that obviously leads us to some collaboration with DEA and FBI, and State and locals across-the-board.

Senator MIKULSKI. Well, my time is up, but I think it says we really need a different kind of coordination here.

First, I want to compliment everybody on what they are doing. So it's not a criticism of you.

And the fact also, working with the State and local governments, we had the methodology of task forces, but there needs to be, I think, a more organized effort.

If we have a second round, I will follow up with other questions. I appreciate what you are doing. I gained a great deal of insight here. Thank you.

Senator SHELBY. Senator Lankford.

Senator LANKFORD. Thank you.

I would like to follow up on what Senator Mikulski was just talking about, because that is my same line of questions, as well.

Does it exist currently that this subcommittee can have a clear layout of the lanes of responsibility for dealing with drug issues? Because in two areas that I can see clearly, dealing with gangs and dealing with drugs, which obviously there is a tremendous amount of overlap, all four of you have lanes of responsibility in those areas.

Does it exist that there is a clear layout of who has what lane?

Ms. LEONHART. I believe that there are very clear lines. For instance, ATF and FBI have their violent crime task forces, and our role at DEA is really to identify those trafficking organizations, especially Mexican cartels and major Mexican organizations that are supplying the gangs, and that is what is fueling violence on our streets.

So we work together in a collaborative way, all knowing what our lanes are. And I have been very proud to say, in the 12 years that I have been in Washington, we have not once run into a problem that I had to go to the FBI Director and say we were overlapping here. I have not had to go to the director of the ATF. We work very well together, and we all know what our lanes are.

Senator LANKFORD. So with that, I would like to have that document just to be able to see, so we get some clarity of who has what lane, if that is in there, if that is a task force or whatever that may be. I would like to have that so that we can get that clear differentiation.

[The information follows:]

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

The primary law enforcement mission of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is to combat violent crimes related to firearms, explosives and arson. These types of violent crime investigations, especially those involving firearms, are frequently intertwined with drug trafficking, particularly drug dealing by gangs and other criminal organizations. Absent a nexus to firearms, explosives or arson, however, ATF does not independently investigate drug trafficking. ATF's Frontline business model mandates that criminal investigations should be strategically focused on the most violent crimes and criminals, and specifies that drug trafficking alone is an insufficient basis to conduct an ATF investigation. ATF instead focuses its resources on individuals and organizations agents who engage in armed drug trafficking and engage in violent offenses as a tool of the trade. ATF's core statutory jurisdiction is well suited to addressing these armed traffickers, particularly title 18 section 924(c) of the Gun Control Act, which prohibits the use of firearms and explosives in furtherance of drug trafficking crimes.

The Frontline business model also mandates that ATF coordinate its investigations with Federal, State and local law enforcement partners, and that mandate is particularly applicable when drug trafficking is involved in an investigation. ATF recognizes that the Drug Enforcement Administration (DEA) has primary jurisdiction and responsibility for enforcement of Federal drug laws, and closely coordinates investigations of drug trafficking organizations with DEA, on all levels, national, regional and by field division. On a national, strategic level, ATF also closely coordinates the investigation of drug traffickers and organizations through the Department of Justice's Organized Crime Drug Enforcement Task Forces (OCDETF) Program. The OCDETF Program, which includes, among other participants, the Drug Enforcement Administration, Federal Bureau of Investigation, Bureau of Alcohol,

Tobacco, Firearms and Explosives, United States Marshals Service, Department of Homeland Security and Internal Revenue Service, is the Federal Government's primary vehicle for coordinating Federal, State and local resources to efficiently combat drug trafficking crimes. On both the national and the field division level, ATF also works closely with the High Intensity Drug Trafficking Areas (HIDTA) Program. Regional HIDTAs provide both resource coordination and essential deconfliction services for drug trafficking and related violent crime investigations. Finally, ATF works closely with U.S. Attorneys and local prosecutors through existing coordinating councils to ensure clear lanes of action and responsibility for local drug investigations. Moreover, where such coordinating bodies do not already exist, ATF's Front-line business model requires ATF Special Agents in Charge to work with the U.S. Attorney and other partners to form Violent Crime Reduction Partnerships (VCRP), to coordinate all efforts to combat violent crime, including drug trafficking.

#### DRUG ENFORCEMENT ADMINISTRATION

The Drug Enforcement Administration's (DEA) mission is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

DEA continues to prioritize its resources to disrupt and dismantle the "most wanted" drug trafficking and money laundering organizations primarily responsible for the Nation's illicit drug supply. This includes the Consolidated Organizational Priority Targets (CPTOs) identified by the Department of Justice (DOJ), plus other Priority Target Organizations (PTOs) identified by DEA. DEA also places a high priority on its efforts to prevent drug proceeds from ending up in the hands of terrorist organizations.

To effectively accomplish its drug law enforcement mission, DEA works cooperatively with various law enforcement agencies worldwide. DEA participates in and contributes to the investigative efforts of Federal, State, and local law enforcement through direct partnerships, including task forces and information sharing initiatives. These collaborative efforts improve the effective coordination of investigative activity and deconfliction across agencies. DEA also supplies intelligence and information that supports the disruption or dismantlement of drug trafficking organizations and leads to numerous drug seizures and arrests worldwide. DEA participates in a number of Federal interagency efforts, including the Federal Bureau of Investigation's Safe Streets and Safe Trails Task Forces, ATF's Violent Crime Impact Teams and Project Safe Neighborhoods, the DOJ's Weed and Seed Program, and Attorney General's Anti-Gang Coordination Committee. The sharing of DEA intelligence and resources has led to many successful operations and highly effective drug law enforcement.

Because of the international nature of drug trafficking, experience has shown that strong partnerships with foreign counterparts are vital in the drug law enforcement arena. Furthermore, DEA is not authorized to operate unilaterally overseas, so cooperation with the U.S. State Department, as well as foreign law enforcement agencies is essential to the DEA mission. To build and nurture these relationships, DEA has 86 offices in 67 foreign countries and more than 700 onboard employees stationed overseas. DEA's cooperative partnerships with foreign nations help them to develop more self-sufficient, effective drug law enforcement programs. As part of this effort, DEA conducts training for host country police agencies at the DEA training facilities in Quantico, Virginia and on-site in the host countries. DEA also works with host nation counterparts to stand up and train vetted units of foreign law enforcement officers with whom DEA works and shares information. In addition, the United States has extradition relationships with many nations and DEA makes use of these arrangements whenever possible. The agency's worldwide partnerships have led to multiple arrests and extraditions of the highest-level drug traffickers and money launderers, narcoterrorists, and international arms dealers.

In addition to Federal and international partnerships, DEA also recognizes the need for continued coordination of drug enforcement efforts with State and local counterparts across the country. DEA has 221 domestic offices organized in 21 divisions throughout the United States and works closely with State and local partners. Cooperation provides advantages to all participating agencies and provides a Federal presence in sparsely populated areas where DEA would not otherwise be represented. Through the end of the fourth quarter fiscal year 2014, DEA led 192 State

and local task forces. Moreover, these task forces consisted of an on-board strength of 2,235 DEA Special Agents and 2,668 State and local task force officers, all of whom are deputized with title 21 authority and dedicated full-time to investigate major DTOs and address trafficking problems in their local communities. Through the end of fiscal year 2014, DEA has trained 39,932 State and local law enforcement officers. In fiscal year 2013, DEA trained 41,004 State and local officers (totals include Clandestine Laboratory Certification Training). The number of State and local officers trained fluctuates from year-to-year due to the number of training sessions conducted in the field. DEA-led task forces act as force multipliers by drawing on the expertise of State and local law enforcement.

DEA also provides direct assistance to other law enforcement agencies through its State and local law enforcement clandestine laboratory training program. At the clandestine lab training facility, DEA trains Federal, State, local and foreign law enforcement officials on the latest techniques in clandestine laboratory detection, enforcement, and safety. In fiscal year 2014, the Clandestine Laboratory Training Unit conducted training for a total of 1,484 State and local law enforcement officers. This includes State and local Clandestine Laboratory Certification Training, Site Safety Training, Tactical Training, as well as training conducted for the National Guard and the Federal Bureau of Investigation's (FBI) National Improvised Explosive Familiarization Training.

#### FEDERAL BUREAU OF INVESTIGATION

The Federal Bureau of Investigation's (FBI) role in dealing with the drug issue revolves around its investigative strategy to target criminal organizations rather than specific underlying offenses. Transnational Criminal Organizations (TCOs) conduct various criminal activities such as drug trafficking, human trafficking, violent crime (to include gangs), money laundering, and public corruption. In order to meet this threat, the FBI investigates TCOs holistically by gathering intelligence on the criminal activities, structure, and hierarchy of the organization, and subsequently using a cross-programmatic investigation to target the TCO.

The FBI participates in various HIDTAs and OCDETF Strike Forces to accomplish this mission. Additionally, the FBI has Hybrid Task Forces (HTFs) which are designed to utilize the force multiplier of Federal, local and State Task Force Officers (TFOs) in an effort to target TCOs cross-programmatically.

#### UNITED STATES MARSHALS SERVICE

The United States Marshals Service (USMS) is the Federal Government's primary agency for conducting fugitive investigations. While the USMS is responsible for investigating and apprehending individuals wanted for escaping from Federal prison, and for Federal parole and probation violations, it has a long and distinguished history of providing assistance and expertise to other Federal, State, and local law enforcement agencies in support of fugitive investigations. In 1988, the USMS signed a Memorandum of Understanding (MOU) with the Drug Enforcement Administration (DEA) delegating apprehension authority to the USMS if DEA does not apprehend the fugitive within 7 days of issuing an arrest warrant. Drug-related offenses represent the highest percentages of USMS fugitive arrests. From fiscal year 2012–2014, 30 percent of the fugitives arrested were for drug warrants.

The Marshals Service uses its district and regional fugitive task force network to combine the efforts of Federal, State and local law enforcement agencies to locate and arrest the most dangerous fugitives. These task forces are designed and managed to ensure the highest levels of cooperation, coordination, and deconfliction among participating agencies to organize investigations and protect officer safety not only in high density regions and core cities but also in surrounding cities and small rural areas that face difficulties dealing with violent offenders' criminal activity.

In addition to the network of USMS-led fugitive task forces and its targeted initiatives, the USMS has partnered with the Organized Crime Drug Enforcement Task Forces (OCDETF) for over 30 years. Since the inception of OCDETF, the USMS has played an integral part in the war on drugs and has been able to dramatically reduce the number of outstanding OCDETF fugitives.

It is important to note that the USMS fugitive task forces locate and apprehend Federal, State, and local fugitives both within and outside the United States. Since 2003, the USMS has worked with other U.S. Government agencies in its three foreign field offices (Mexico, Dominican Republic, and Jamaica) and Colombia to apprehend high-profile fugitives. Targeted fugitives range from major Transnational Criminal Organizations (TCO) to Consolidated Priority Organization Target (CPOT) cartel leaders, murderers, kidnappers, sex offenders and violent criminals.

In addition to high-profile fugitive investigations, the USMS counter-narcotics efforts are worked, coordinated, exploited and deconflicted with the DEA's Special Operations Division inter-agency efforts, foreign field offices and appropriate leads in conjunction with the intelligence community. Though the USMS only has permanent presence in three countries, the USMS has an extensive network of foreign police contacts developed through outreach efforts and international fugitive training programs. Designated by the Department of Justice, the USMS is the Federal Government's primary agency for apprehending fugitives and has statutory responsibility for all international extraditions. The USMS routinely coordinates and conducts more than 400 extraditions annually with 40 percent of the international removals relating to narcotics.

Senator LANKFORD. But part of the issue for us, as well, as we deal with the budget issues, we appreciate very much what you do and the folks that are on the street and individuals that literally lay down their life for our country and do that every day, and their family members deal with the grief, and our Nation grieves.

We want to have the maximum number of people that are actually engaged on the street, both protecting each other and protecting our Nation, as possible, and the least amount in administrative work. So where there are areas of overlap, and one entity is really near-related to another entity, we would rather have one entity have more folks on the street and have half the administrative costs, as much as possible.

So that would help us to be able to get that perspective.

Another one is, I know there is a lot of focus right now on international terrorism, rightfully so by the way. But we can't lose the focus on drug and gang violence that is happening in the United States, because we lose more folks to drug and gang violence every week in the United States than we do international terrorism.

Now, we can't put one priority over another one. We just can't lose that priority. And I would continue to reinforce that again with the funds and with the focus that we have. That is a continued major emphasis that we have to keep up that obviously DEA is trying to lead the way on so much, but all four of your entities are very, very involved in that as well.

Let me do a specific question to Mr. Jones here, as well. The Attorney General Eric Holder and I had a conversation several years ago, coming out of the backside of "Fast and Furious." It was a conversation about some of the procedures and process in trying to align the FBI processes for how to do undercover operations and the permissions and the access points going all the way to DC with ATF, because there are two different sets of processes.

That was about 3 years ago that we had that conversation that was ongoing.

#### ATF INTEGRATION OF DEPARTMENT OF JUSTICE POLICIES

Do you know where that is, in status right now, in trying to align ATF processes with more of an FBI-like process for investigations?

Mr. JONES. Senator, thank you for the question, and I think we are in a very better place than we were 3 years ago. I had three priorities when I came onboard.

One was to get the organization healthy, and that is not just in resources. It is the infamous morale question.

Number two was to fully integrate ATF into the Department of Justice policies. Coming from a U.S. attorney background, having served on the Attorney General's Advisory Committee (AGAC),

being intimately familiar with Undercover Review Committee, Confidential Informant (CI) Committee, all of the processes that are there at the Department of Justice, we are on target with integrating and making sure that we are in sync with all of the DOJ law enforcement components on how we do some of those fundamentals, in terms of processes for higher or high-risk law enforcement operations.

Now, the challenge for all of us, and the thing that gets attention oftentimes, is when the policy is not put into practice completely and uniformly across the country. That is sometimes a challenge, because putting it into practice involves your people and communication and training.

Senator LANKFORD. But where do you think that is, in implementation of the policy, though, first?

Mr. JONES. For us?

Senator LANKFORD. Yes.

Mr. JONES. For ATF?

Senator LANKFORD. Yes.

Mr. JONES. We are in sync with DOJ policy across-the-board, and we will continue to refine all of our orders and policies and practices on paper and in practice.

#### PRISONER DETENTION POPULATION

Senator LANKFORD. Okay, thank you. One final question as well. There is a decrease in budget on the prisoner detention budget line item on that, and the reason that was done was a decline in population, which, by the way, is often good news on that. But can you tell me the reason that you see there is a decline in Federal prisoner population?

Ms. HYLTON. You are accurate, Senator. The major contributor is the decline in the population. It is also a lot of efficiency and time in detention that has been reduced in business practices. So those two combined.

Senator LANKFORD. For any certain population that there is a decline in length of detention?

Ms. HYLTON. The decline in population—it will stay strong in immigration. It stays at a steady pace. There is a slight decline in drugs and a slight decline in supervised release, but those fluctuate primarily because of the length of time it takes to prosecute the cases. So it's time in detention that really impacts the dollar at times.

Immigration has a faster processing of those cases compared to drugs. So it's really detention time that reduces it.

Senator LANKFORD. Okay, thank you.

I yield back.

Ms. HYLTON. Thank you.

Senator SHELBY. Senator Feinstein.

Senator FEINSTEIN. Thanks very much, Mr. Chairman.

Director Comey, I want to thank you for the work your people do in counterterrorism. I was there when Bob Mueller announced the development of an intelligence branch in the FBI. At that time, I had some concerns about it.

I have watched its evolution, and I just want to say that whether it was Najibullah Zazi, which is well-known, or plots that are not

well-known, the FBI has been able to disrupt plots in the United States. I think that is a very important and significant thing. And I want very much to thank you for it.

I want to ask you, yes or no. One of my disappointments was to learn that the 6-year report of the Senate Intelligence Committee on the detention and interrogation program sat in a locker and no one looked at it. Let me tell you why I am disappointed.

The report, the 6,000 pages and the 38,000 footnotes, which has been compiled, contains numerous examples of a learning experience of cases, of interrogation, of where the Department could learn perhaps some new things from past mistakes. The fact that it hasn't been opened, at least that is what has been reported to me, is really a great disservice. It is classified. It is meant for the appropriate department. You are, certainly, one of them.

I would like to ask if you'll open that report and designate certain people to read it, and maybe even have a discussion how things might be improved by suggestions in the report.

Mr. COMEY. I will do that, Senator. As you know, I have read the executive summary. You asked me to do it during my confirmation hearing. I kept that promise and read it.

There are a small number of people at the FBI who have read, as I understand it, the entire thing. But what we have not done, and I think it's a very good question, is have we thought about whether there are lessons learned for us, because it's a tendency for me to think we don't engage in interrogation like that, so what is there to learn?

I don't think I have thought about—

Senator FEINSTEIN. Well, you did. And Bob Mueller pulled your people out, which is a great tribute to him.

Mr. COMEY. So the answer is yes, I will think about it better and I will figure out where we are in terms of looking at the entire thing. I don't know enough about where the document sits at this point in time, and you mentioned a lock box. I don't know that well enough to comment on it at this point.

#### HUMAN TRAFFICKING

Senator FEINSTEIN. Thank you very much.

Let me talk to you about another problem. Human trafficking is now the second largest criminal enterprise in the world. It is behind only the drug trade. In this country too, children 12, 13, and 14 are being trafficked. They are being transported across State lines to cities all over the United States.

In some areas like Los Angeles, even street gangs are running these trafficking rings. So traffickers, now to distance themselves, have come upon a method of using the Internet. There are some 20 Internet sites where a purveyor, a trafficker, for as little as a dollar can buy an ad. So the Internet effectively becomes complicit.

Now these are children. These are underage girls, sometimes underage boys. They are held against their will.

I have become very concerned about this and will be doing more on it. But my question to you is, what can the FBI do to really make this a major priority and crack down on it? It is international, but it's also big-time national.

Mr. COMEY. Well, I think your characterization of it is correct, Senator. It is a huge feature of our work in all of our field offices. We work in 70-some task forces to try and address it. We work internationally in our 64 legal attaché offices (legats) to try and address it. So it's a big feature in our life.

We are trying to make sure we send a message that there are huge costs to doing this in the United States. We are focused on the individuals. You allude to the challenge with Internet sites; that is a challenge for us. Obviously, we have a wonderful country with a First Amendment that protects people's ability to create sites.

We are trying to focus on the individuals who may be operating a site for purposes of trafficking and lock them up for a long period of time, and we are doing that all over the country.

Senator FEINSTEIN. Have you had any success?

Mr. COMEY. Oh, yes. We sure have.

Senator FEINSTEIN. Could we learn more about that?

Mr. COMEY. Sure.

Senator FEINSTEIN. Okay. Not now, but I would appreciate sitting down with you.

#### BACKGROUND CHECKS

According to the Government Accountability Office, the famous GAO, for the last 10 years, February 2004 to December 2014, there were 2,233 cases in which a known or suspected terrorist, individuals who were on the Federal terrorist watch list at the time, attempted to buy a firearm or obtain an explosives permit.

In 91 percent of the cases—this is not me, this is the GAO—2,043 separate occasions, those known or suspected terrorists were successful in passing a background check. What can be done about this?

Mr. COMEY. Well, Senator, what we do now is, if someone on the watch list purchases or attempts to purchase a firearm, an immediate alert is sent to the agents who are the source of the suspicion about that individual, so they can incorporate that information into their investigation.

It is a little bit challenging for us because “known or suspected” means it hasn’t been adjudicated in every case that somebody is a terrorist. It is somebody we’re investigating. So we don’t want to, obviously, blow our investigation.

Senator FEINSTEIN. Well, let me say this, in 2007, the Bush administration’s Justice Department drafted legislation to close what is a gap and prevent a known or suspected terrorist from buying a gun or explosive in this country.

In 2009, Attorney General Holder expressed the Obama administration’s support for the legislation. And I introduced similar legislation in the Senate last year.

The question comes for the law enforcement element of the administration to really come forward and be supportive of this, because the National Rifle Association even opposes this. Now, this is terrorists.

You know, we can have people come into this country meaning to do us harm, and they can go in and buy a weapon to carry it out. That is simply unacceptable.

So I want to bring it to your attention. We have to come together and prevent this from happening.

Your biggest concern is the lone wolf. The lone wolf can come in unarmed. He can buy the explosives. He can buy the gun. This must be stopped.

Mr. COMEY. Thank you, Senator.

Senator FEINSTEIN. No comment?

Mr. COMEY. I don't know where the administration is on the legislation, so I have nothing intelligent to say about that. I am focused on the operational piece of it, to make sure that we are alerted. I will have to find out where the administration stands on the legislation.

Senator FEINSTEIN. If you will, and I would also like to know where you stand.

Mr. COMEY. Oh, I am the FBI, I don't—

Senator FEINSTEIN. You don't stand?

Mr. COMEY. I don't stand. I am too tall to stand.

Senator FEINSTEIN. Thank you.

Mr. COMEY. Thank you.

Senator FEINSTEIN. Thank you, Mr. Chairman.

Senator SHELBY. Senator Boozman.

Senator BOOZMAN. Thank you, Mr. Chairman. And thank you all for being here. We appreciate all that you represent.

Director Jones, first of all, I would like for you to be sure and send our condolences to Special Agent William Sheldon's wife and two young children. I understand that he has lost a battle with cancer, and we, certainly, are thinking of him.

And Director Hylton, we want, also, to express our condolences to Josie Wells, who was killed in the line of duty on March 10th, again, to family and friends, and the U.S. Marshals Service.

I think these things illustrate what you all are about, and we really do appreciate you.

I really want to follow up on what Senator Mikulski was talking about, and Senator Lankford in a different way, and the tools that we have out there to try and fight the drug epidemic, and along with that, the violent crime that comes with that.

#### VIOLENCE REDUCTION NETWORK

Director Jones, as a response to violent crime in Little Rock and West Memphis, Arkansas, I understand that both are potentially candidates to be named a Violence Reduction Network. Can you talk a little bit about that initiative, and how that is helpful?

Mr. JONES. Thank you, Senator, for the question. The VRN, the Violence Reduction Network, is an initiative that "the old becomes new," and it really is a collaborative effort with not only Federal law enforcement across-the-board, but also with State and locals, to address violent crime at a multitude of levels and make it sustainable.

I know that Little Rock, in particular, has been discussed as a VRN potential site. It also is a site where we have done some work through our New Orleans field division to try and address the unacceptable levels, at times, of violent crime.

But, the VRN really has a lot of potential. It is in its genesis. There are 10 cities now. There has been a conference here. We

brought all the stakeholders, D.A.s, U.S. Attorneys, State and local police departments, and all of the Federal agencies represented here, to discuss, in a very focused way, the nature of the violent crime problem, the perpetrators of the violence in those communities, and sustainable strategies to lower it, eradicate it, and sustain it.

#### HIGH INTENSITY DRUG TRAFFICKING AREAS

Senator BOOZMAN. Very good.

And related, Ms. Leonhart, High Intensity Drug Trafficking Areas (HIDTA), can you talk a little bit about that and how that fits in?

Ms. LEONHART. Sure. The HIDTA program is run by the Office of National Drug Control Policy (ONDCP), not DEA. But all of the agencies at the table—

Senator MIKULSKI. Tell Senator Boozman what those initials stand for. Not that he doesn't know, but we get lost in initials that you know every day.

Senator BOOZMAN. You are exactly right.

Senator MIKULSKI. And they sound like cans of alphabet soup to us, or Scrabble games.

Ms. LEONHART. Sure. It is the High Intensity Drug Trafficking Area program, and it is run by the Office of National Drug Control Policy (ONDCP). There are numerous HIDTAs. They are big task forces, with different initiatives that bring State, local, and Federal together.

In these HIDTA task forces we are able to concentrate on, kind of in a regional concept, the threats, both drug and other violent-type crime, that are wreaking havoc on those communities.

Senator BOOZMAN. So, I guess my question is, is there a way to, and we could go down the line, we have all of these programs going on. Is there a way to integrate the programs, so that when you are doing your thing, Director Jones, and you are doing your thing, Ms. Leonhart, and Director Hylton, FBI, do we integrate those things when we go into a community?

Ms. LEONHART. Absolutely. The beauty of, say, a HIDTA task force is that some of the groups are run by the FBI, concentrating on the violent gangs that the FBI brings expertise to the table on. Others are fugitive-related and run by the Marshals Service to make sure that we are going after the most significant, and most wanted violators in the area. Then the ones that are concentrating on firearms are often run by the ATF.

They are integrated and, actually, all the different initiatives and task forces complement each other, and that is why our four departments, and our State and local partners can almost seamlessly work between these task forces to go after the threat.

Senator BOOZMAN. Thank you.

Ms. Hylton, very quickly, because I am out of time, if we do make it such that we reduce the Federal prison population, how is that going to affect you guys?

Ms. HYLTON. Well, I think there are always criminals ready to come into the system, unfortunately, on our streets. So as the prison population decreases, our detention population is all contingent on what is arrested and brought in.

As all of us fight for gangs and drugs to be reduced, I see that population as continuing to come into detention, as we all aggressively address those issues that Congress has explained.

So I think we will still see them incoming. You will see the population go down in prisons, but you will see it come back up in detention. Thank you.

Senator BOOZMAN. Thank you, Mr. Chairman.

Again, thank you all for being here, very much.

Senator SHELBY. Senator Murphy.

Senator MURPHY. Thank you very much, Mr. Chairman.

I wanted to follow up on some of the early questions regarding the work that ATF is doing, following on the Law Enforcement Officers Protection Act.

This was, just for the subcommittee's recollection, a piece of legislation that was passed in 1986 by a 400–21 margin in the House of Representatives, passed by unanimous consent in the United States Senate. President Reagan said, upon signing it, that there are "certain forms of ammunition that have no legitimate sporting, recreational or self-defense use and, thus, should be prohibited."

It has always been tricky work to try to stay true to the act's intention of stopping criminals from killing law enforcement officers with specifically dangerous types of weapons, while also preserving the right of sportsmen and hunters to enjoy their pastime.

But I just want to first thank the ATF, you mentioned in your prepared testimony, for the amazing work that they did in and around the Sandy Hook shooting, but also just to relay a story.

I was in that firehouse mere hours after the shooting took place, and I had a law enforcement officer who was standing next to me remark that, in a way, he was glad that Adam Lanza took his own life, because he feared for the life and the safety of his officers should a shootout have occurred, given the ammunition, given the power of the weapons that were found on Mr. Lanza's possession. That speaks to why we passed this act in the first place.

So I wanted to just ask a follow-up question as to why we were considering this particular type of ammunition in the first place. It is my understanding that what has happened here over time, when we talk about these "green tips," is that they were initially exempt, in part because they were only used in rifles. But they now are able to be used in handguns.

And we look at handguns in a different way, given that they are much more likely to be used in an assault on an officer, and, in fact, the underlying legislation specifically references handguns as something that ATF should be looking at.

So I just think it would be helpful for us to understand why you got to the point of proposing that we take a new look at a type of ammunition that had been exempted, as you said, for a period of time.

It is used in a different way today. That is the reason for the relook, correct?

#### COMMENT PERIOD ON THE EXEMPT FRAMEWORK FOR ARMOR PIERCING AMMUNITION

Mr. JONES. Senator, I think it's important to remember that this 30-day period for public comment on a framework involves addi-

tional exemptions. The classification for that particular round, which is military surplus, which is 5.56 mm, 62-grain, steel core, following into the parameters of LEOPA as armor-piercing, was given. And it's had an exemption for 30 years. It has been on the market for that long. It has been available to folks for 30 years or more.

I think the challenge for us, separate and apart from how do we grant exemptions going forward, and given recent experience, it's probably not going to happen any time soon, is the evolution of firearms technology and some of the platforms, assault-rifle-based platforms, that have evolved over those 30 years, and the capabilities of those, and concealability of those. And, in fact, some of them that would qualify as pistol platforms create some challenges for us.

Now, I do believe that this is going to take work across-the-board, that this is not going to be something that ATF alone is going to do through a regulatory process. LEOPA is absolutely critical to officers' safety. I think everybody has concerns, if you are paying attention to some of the challenges there, the handgun phenomena, the crime gun phenomena, and the pistol phenomena.

But as we see more and more of the firearms that could be classified as pistols being able to use not just this M855 round, but any 5.56 mm round, it's a challenge for officer safety, and for public safety.

Bottom line, you all have an opportunity maybe to have a discussion that we would gladly help you with on LEOPA, because it was passed in 1986 and a lot has happened in the last 30 years.

Senator MURPHY. I appreciate it. My time has expired. I appreciate the answer to the question.

I'd just point out the genesis of the law to just remind folks, this was bipartisan at the outset. And as we perfect it, and, as you mentioned, this rule contemplates exempting far more types of ammunition than it involves prohibiting, that we should remember the bipartisan spirit in which we began this effort. Hopefully, we can regain that.

Thank you very much, Mr. Chairman.

Senator SHELBY. Senator Capito.

Senator CAPITO. Thank you, Mr. Chairman.

Senator MIKULSKI. Senator, could you withhold while I just say one word to Senator Boozman?

Senator CAPITO. Sure.

Senator MIKULSKI. This goes to heroin. I didn't know when you were leaving.

I think there is a real bipartisan interest on this subcommittee around this issue. DOJ is supposed to give me—not me, excuse me, that was the old days—give the subcommittee—a report, an interim report, because we asked for a task force.

When we get that, we will have a staff briefing so we can all be up-to-date and really have a concerted effort in it. I just wanted to say that.

Senator SHELBY. Senator Capito.

Senator CAPITO. Thank you. Thank you, Mr. Chairman.

I want to thank the witnesses. I apologize for missing your testimony. I was chairing my own subcommittee, and I wanted to make sure I got here.

But I also want to thank you for your service to our country. I appreciate it very much.

CRIMINAL JUSTICE INFORMATION SERVICES

Director Comey, we are extremely proud of the work being done by the Criminal Justice Information Services at the FBI facility in Clarksburg. Over the years, biometrics has been exceedingly useful to the FBI and its partners in the law enforcement and intelligence communities, not only to authenticate an individual's identity to confirm that you are who you say you are, but more importantly, to figure out who someone is by either a fingerprint left on a murder weapon or a bomb, for example, typically by scanning a database of records for a match.

The FBI Criminal Justice Information Services Division (CJIS) division has been a leader in biometrics and information-sharing for decades, and since the 1990s, the FBI has been saving the American taxpayers hundreds of millions of dollars by defraying the cost of running, automating, and modernizing its fingerprint repository, formally known as IAFIS.

But this budget seems to jeopardize those efforts. It includes an offset of \$120 million for this important function.

Director Comey, can you tell this subcommittee what the impact would be and how this reduction could affect the FBI's ability to invest in the latest biometric technology, including facial recognition, iris scans, and DNA, just to name a few?

Mr. COMEY. Thank you, Senator. During my opening statement, I was bragging a little bit about my CJIS folks, because they are a hidden gem in the FBI. I believe they are the frame upon which hangs all of law enforcement.

The information we share, the identities we share, the DNA, all of it goes through that great facility there. And I am very excited we are going to open, very shortly, a biometrics facility with DOD that is going to make this country even safer.

I told them when I visited them, I said people don't know how cool you are here in West Virginia, and that is part of a testament to the quality of your work. You do it so well that everybody takes it for granted.

So I'm very excited about CJIS. They know how much I love and admire their work.

The answer is, I don't think that it will have an impact. There is an offset in the budget that is about additional moneys in the CJIS account that came from fee-for-service. The statute, as I understand it, restricts my use of that fund in certain ways.

I am looking for ways in which to use it consistent with the law. But my understanding is this \$125 million, the loss of that will not affect next-generation identification, the DNA database, any of the great work we are doing out there. It is simply some extra dough that came in over time from fees being paid, that we can use to invest in additional information systems. But even if we are not able to, it's not going to affect the rest of the work.

Senator CAPITO. Well, that is good, because I think the modernization is something that is ongoing, changing forever. And we are extremely pleased to have the CJIS folks and the FBI in Clarksburg.

It has been a wonderful addition to our community, and we know how great it is out there, too, so I appreciate that.

I would like to ask Director Jones a question, because you also have a facility in West Virginia.

ATF'S MARTINSBURG, WEST VIRGINIA FACILITY

Mr. JONES. A wonderful facility.

Senator CAPITO. Yes. And there is an aspect of the budget, which I am pleased about and would like to ask you, regarding the investment of a proposed ATF tracing facility in Martinsburg. I think this would be an amplification of what was already existing there, but you are requesting an \$8.1 million increase for the facility for a mixture of personnel and equipment software upgrades.

Can you discuss the work that is being done at the tracing center there, and why this increase would be justified?

Mr. JONES. Well, like Director Comey, I love our facility in West Virginia because it does such critical work to what we do. We have our National Firearms Act (NFA) branch there that processes the ever-increasing number of requests for NFA licenses. That has primarily been driven by silencers. We got almost a quarter of a million requests last year.

So that \$8.1 million would do two things. One, it will allow us to add, permanently, 10 more legal instrument examiners that are crucial to processing the NFA, and we are making progress on cutting down the time. And it will give us money for contractors, because about half of our workforce in Martinsburg is contractors that not only do NFA licensing, they also do our crime gun-tracing.

And we have a Violent Crime Analysis branch, and our Firearms Technology branch is out there.

So that is kind of the heart of our gun work at ATF. It is out there in that Martinsburg facility.

Senator CAPITO. Okay, good. That is good news. I, certainly, would be supportive of that.

Well, I think I am out of time, but if I could make a quick comment, because I missed the discussion on heroin, and the ranking member mentioned that.

I am assuming that is in reflection of the rise of heroin, the rise in heroin overdoses, younger people being affected by this. Even in a small State like West Virginia, this is having some devastating effects. And I, certainly, would love to be a part of some preventive measures, either at the supply or demand side, to try to stop what we see happening and destroying lives all across this country.

So I want to be supportive of those efforts. Thank you.

Senator SHELBY. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

And thank you very much for your service and for being here this morning.

## HEROIN

I guess I want to start with Administrator Leonhart, because I want to follow up on Senator Capito's comments, Senator Mikulski's comments, so many of the other comments that we have heard about the heroin epidemic around this country.

We are seeing it in New Hampshire and northern New England. In New Hampshire in the last 10 years, we have seen people admitted to State treatment programs increase 90 percent for heroin use, 500 percent prescription drug use. So it truly is an epidemic.

One police chief described it to me this way, he said, when we have someone shooting up at 2 o'clock in the afternoon in the parking lot of Target in Bedford, which is a very upscale community, we know we have a problem.

So we have a problem. What I am interested in is not which lanes people are in. I am interested in what coordination is going on between agencies.

Specifically, I have done a series of roundtables, meeting with law enforcement, treatment officials, and the medical community in New Hampshire, because one of the things that we have heard there is that the heroin abuse is the result of prescription drug abuse, and that one place where there is a breakdown in how we address this issue has to do with prescribing, and the medical community needs to be very involved in that discussion.

As far as I can tell at the national level, we are not doing as much as we should be doing. So can I ask you, or anyone on the panel, I suppose—Director Comey, you might have some thoughts about this.

But what are you doing to coordinate the efforts that your agency is engaging in? And how are you getting out information about those activities to local communities, the availability of grant monies, what resources are available in local communities?

## PRESCRIPTION DRUG ABUSE

Ms. LEONHART. I will start with that.

Yes, the Northeast especially, with the exploding prescription drug problem, what follows is the heroin problem. So what we have done and have done very well with our State and local partners in the Northeast is we have tactical diversion squads of diversion investigators, DEA agents, intel analysts, and State and local officers. They become the teams that are responsible for not only the prescription drug problem but also the rise in heroin abuse in those communities.

Senator SHAHEEN. And excuse me for interrupting, but are you working with the medical community, and with some of our medical colleges around the whole prescribing challenge? One of the issues is that doctors are not really given a lot of guidance on how to prescribe because it is a variable issue, depending on the disease, on the individual.

Ms. LEONHART. That is correct. It is the one drug problem that isn't just about law enforcement.

So there are a number of efforts. We have been at the table with medical professionals. We have gone out. We have had seminars. We have worked with our U.S. attorneys to bring the medical com-

munity, the law enforcement community, treatment and prevention people together. A number of those efforts have actually occurred in the Northeast.

But overprescribing is one of the major problems. In our work with the Department of Health and Human Services (HHS), the lane for the doctor's education falls with them. However, we have all partnered together and have offered training and we have actually gone out to schools.

Senator SHAHEEN. So how is that reflected in your budget? As you look at where your priorities are for addressing this issue, how would you rate the enforcement side versus the prevention and the outreach efforts that you are doing?

Ms. LEONHART. Thank you, Senator, for bringing that up, because there is a piece of our budget that this subcommittee could be very helpful with, and that is our DCFA part of the budget that handles diversion control.

With that budget, it will allow us to continue to do outreach. Part of that outreach is working with the medical associations and getting the word out. We put a number of things on our Web site. We give them training manuals, a number of things.

The budget for 2016, if we were to get that money, it will allow us to continue that outreach, as well as bring 50 additional diversion investigators and 50 additional special agents into the program.

Enforcement is just one piece. We feel that the public outreach is very important. And with our 66 diversion squads around the country, it allows them additional resources to be able to go out and reach the medical community, and is one of our priorities.

Senator SHAHEEN. Thank you.

Thank you, Mr. Chairman.

Senator SHELBY. Senator Baldwin.

Senator BALDWIN. Thank you, Mr. Chairman, and Ranking Member Mikulski.

And thank you to our panel of witnesses for your service and commitment of the men and women you lead.

I want to follow right on this line of questioning with Administrator Leonhart.

#### VETERANS ADMINISTRATION

Reports indicate that the DEA is investigating drug diversion from a Veterans Affairs medical facility in Tomah, Wisconsin. This facility is also the subject of a broader Veterans Administration (VA) investigation into opioid and benzodiazepine prescribing practices and management issues at the medical facility.

Of course, the VA is itself a Federal agency, and the possibility that illicit drug use and sale may be fueled in part by the Federal Government is just extremely troubling.

I look forward to discussing your investigation into the Tomah facility during the closed session. But I have two related questions for this session.

Has the DEA identified VA medical facilities as a potential source of illicit opioid drug distribution?

Ms. LEONHART. In this setting, I am not going to be able to talk specifically about Tomah. But I will say, in general, that we are

concerned with any medical facility that is contributing to diversion and contributing to prescription drug abuse.

We have the authorities. We have regulatory authorities and administrative authorities that we have used, and we will use, whether it is a VA facility or not.

So we share your concerns, especially when this is regarding our treatment for our veterans.

#### DRUG ABUSE

Senator BALDWIN. You noted in your testimony that prescription drug abuse, and particularly prescription of opioids, has become a national crisis. The Centers for Disease Control and Prevention (CDC) has reported that more than 16,000 people died using prescription opioids. That is about 37 percent of all drug overdose deaths in the United States during the calendar year 2013.

Experts see a direct connection between this and the increase in heroin use and overdose deaths. We have heard some of my colleagues cite local numbers and tragedies in this regard. In Wisconsin, in Milwaukee County alone, we saw a 72 percent increase in heroin-related deaths from 2013 to 2014, just 1 year.

So I know you have been asked this in many different ways, but what is your overall strategy or overarching strategy that we need to know about for cracking down on prescription drug diversion and heroin abuse? And does your budget request include sufficient funding to meaningfully reduce drug diversion and heroin abuse?

Ms. LEONHART. Thank you, Senator. Yes, if you support the budget request, it will allow us to continue at the DEA to prioritize heroin and prescription drug abuse.

We can't separate the two. You are absolutely correct that the prescription drug abuse has led to a heroin epidemic.

The funds that we are asking for in the 2016 budget allow us to do a number of things. One is continue expansion of our tactical diversion squads. Those are the squads that are going to be able to go into communities, not just our big cities, but we have actually started to move these out into smaller cities, and pockets of the country that have had severe prescription drug problems.

We are working those problems, and we are also able to, both on our diversion side and our enforcement side, work on those organizations that are taking advantage of the addiction in these areas, moving drugs into those communities, and working with our State and local partners, our other Federal partners, and where to take off those distribution organizations.

At the same time with our diversion control personnel, we are using every tool we have in the toolbox, including regulatory authority, and administrative authority. We have pumped up the regulatory side to make sure that they are out doing cyclical investigations. We are focusing on the entire string, so from the manufacturers to the distributors, pharmacies, doctors, you name it.

A piece we are also concentrating on is educating the public. There are certain tools that doctors should be using, pharmacists. It's important for them, the Prescription Drug Monitoring Programs (PDMPs). We now have 49 States that have either passed laws for PDMPs or have them in use. We understand Missouri, the last State, has just passed or there is a bill being looked at.

Using every tool to include disposal and getting the drugs out of the medicine cabinet, has been very important in this fight. So it's not just enforcement. It's not just the outreach. It's hitting at each and every level to be able to take care of the prescription drug problem. We have seen over the last year to year and a half, it began to level off. But that heroin problem continues to rise.

Then our international folks play a huge role here, because the majority of heroin that is hitting your streets is coming from Mexico and is being trafficked by those same organizations that are bringing coke, meth, marijuana, you name it, to your communities.

These are the same organizations. They are polydrug organizations. And we have partnered with our counterparts in Mexico, who now, over the last year, have really taken a look at the heroin problem. They see the role that they play, and we have actually done some very good work together with them to focus on the problem.

Senator SHELBY. Thank you.

Senator Coons.

Senator COONS. Thank you, Mr. Chairman.

I'd just like to follow on some of the questions you have been fielding, Administrator, and say how grateful I am for your focus.

Highly potent, inexpensive, widely available heroin is now killing many people in my hometown of Wilmington, Delaware, and across my State. We have 15 deaths per month from overdoses. It is touching all backgrounds, all income levels, all communities.

We are eager to work in partnership with you and all of Federal law enforcement in finding more effective models for diversion, for treatment, for interdiction, and for the prosecution of the related crimes. It is something that is a significant challenge for our community, as it is from Baltimore to Miami to Wisconsin, all over our country. We really are seeing a significant shift from the prescription drug epidemic into heroin.

#### VIOLENCE REDUCTION NETWORK

Let me turn, if I might, to a program that has been mentioned before by Senator Boozman, the Violence Reduction Network. The five cities that are participating in the first round are Oakland, Chicago, Detroit, Camden, and Wilmington, Delaware.

I am grateful for the opportunity to talk with you about it, the Office of National Drug Control Policy, which is under the Financial Services Subcommittee and their HIDTA program is also newly engaged in the work Wilmington, Delaware.

Despite our very small size, relative to Detroit or Chicago, Wilmington has one of the highest rates of violent crime and murder in the last few years. And a newly energized and engaged mayor, police chief, State-wide elected officials, and community leaders are tackling this challenge effectively.

But I would love to hear from each of you, and I will invite you to start, Director Jones, if you might, what you are hearing about progress in Wilmington, what you think are the resource challenges that might remain, and if you have any input for me on what is going to be critical to turning the corner.

The reports I am hearing so far about the Federal role is very positive, and so my simple input is to say thank you for the resources being delivered, the advice, the mentorship, and the guid-

ance to my hometown. But if there are other things that I need to hear or things we can do to strengthen this network, I would really appreciate hearing it.

Director.

Mr. JONES. Well, one of the exciting things about the VRN, the Violence Reduction Network, is it will give us an opportunity to enhance the collaborative effort. I think in Wilmington, Delaware, and I have been up there, I have met with our resident agent. We are having some enhancements in terms of permanent personnel, which is a big part of our request in this budget, to get us healthy in terms of our special agent cadre.

We are starting to see results when we have groups like the one in Wilmington that have been working for a long time in single digits, and we enhance it with task force officers, who in the past were barely holding it together, and we actually get new ATF agents up there.

Our focus in Wilmington is really twofold. One is partnering with the police department to make sure that when there are shooting incidents, that we are on them very fast and following leads to identify the trigger-pullers.

The other aspect where we have had some success, not only in Wilmington, but up and down the Eastern seaboard, are with the traffickers and the Iron Pipeline up I-95, where there are guns that are available in some, quote, unquote, "source States" that travel up—and Wilmington is along the pipeline—to do what we can to disrupt the firearm trafficking networks.

We have had some success recently in Wilmington with people who are essentially unlicensed dealers, for lack of a better term. So that effort, focusing on crime guns, draining the crime gun pool, helping the local police department identify trigger-pullers through leveraging technology like NIBIN, and training folks so it's sustainable, really is the short-term focus of our efforts.

Senator COONS. Thank you, better ballistics training, use of gun stats, better use of data analysis, regional partnerships, I hear that all of those have been making a difference, and I am grateful for your personal engagement.

I have relatively little time left, if any of the three of you would like to contribute to it, I would really appreciate it.

Mr. COMEY. Senators, I hope you know, in our Wilmington office, we have a 22-member Violent Gang Safe Streets Task Force that is part of the Violence Reduction Network effort.

As Director Jones said, we are trying to focus on the trigger-pullers who are part of these neighborhood-based gangs, might not be big, fancy national gangs, but thugs who are a set or crew in a particular neighborhood. We are trying to be strategic, work with the intelligence that the locals are generating, focus on those, and rip them out of the community, with the hope that the good people will fill in the space and make that community safer.

So I have 22 folks focused on it. It is too early for me to be able to tell you what success we have had, but it's something we will watch closely.

Senator COONS. And the CDC has recently completed a fairly thorough review of the dataset from a public health perspective, as well as from a criminal justice perspective, of who is the universe

of folks who are actually committing the violent crimes, where are they coming from, what is their background, what interactions do they have with education, with health care, and with law enforcement.

It has been fascinating dataset that the Governor and his cabinet and I sat down and went through the other day.

Do I have time Mr. Chairman, if the director wants to offer one more answer?

Director.

Ms. HYLTON. Thank you very much. I would like to, as it relates to the VRN, the Violence Reduction Network, we have an operation ongoing now that is borne out of that effort.

We are particularly focused on the larger cities or tri-city areas, and we are operating out of Camden, Philadelphia, and Wilmington, trying to assist you with that.

I am pleased to report, after 1 week of this operation, we have over 684 violent criminals arrested, particularly, 89 of them are gang members, 134 of them are sex offenders. There has been 48 of them that are related to homicides.

So we work with the States and locals to bring those warrants in, and then, of course, we are able to share fugitive information across other investigative agencies.

So I think the earlier questions of how we interface with each other, that is the work that we push out back and forth to each other.

Twenty-seven firearms were seized, 1.86 kilograms of narcotics were seized, and over \$47,000 currency. That is all a part of dismantling some of these organized criminals, opportunists, that are seeking to push drugs out.

So I think that collective work is really starting to prove beneficial in the violent reduction across the cities.

We are focused, as Director Comey says, all of us, on attacking the corridors that run. So it's not only just the major cities. Camden can put out 400 officers, but at the end of the day, all it does is push it out to Wilmington.

The Marshals Service is particularly focused on those smaller law enforcement agencies to get in there and bolster them on removing the fugitives, at least, so they can put their efforts greater into the investigation piece to dismantle.

Thank you.

Senator COONS. Well, we are grateful for your partnership and support.

Senator SHELBY. Thank you, Senator Coons.

I have a couple of questions that I want to submit for the record. One deals with Adam Walsh Act funding and the other is the DEA international drug enforcement priorities. I would submit them for the record, and ask you to hopefully get them back to us within 30 days.

Senator SHELBY. Senator Mikulski.

Senator MIKULSKI. Thank you very much, Mr. Chairman.

I know we are now moved to the classified hearing. I, too, have questions for the record.

I just want to say again to the men and women who work at these wonderful agencies, we want to thank them not only for the

service they do, but we want to thank them that there are people in the United States of America who want to do this work, who really want to do this work. And we owe them a debt of gratitude, and, therefore, my comments about lifting domestic budget caps was not political grandstanding, that if we are going to lift the caps in defense to defend America, there is a lot of defense right here in our country for our communities.

The second thing is, the issues of the Appropriations Committee, related to hiring and then sustaining the people we hire.

And my point last point is technology. I am really proud of the labs and other technology uses we make in our agencies. I think really about 9/11, in that the Maryland State troopers stopped one of the terrorists. But at that time, the databases were so skimpy, you knew more about a deadbeat dad than somebody who was planning this horrific attack on the United States. That has changed.

And when we looked at the sniper, the Beltway snipers, when this whole community came to a standstill, when somebody who worked at the FBI in the supportive service was killed coming of Home Depot, this community, I mean we are all victims of crime. This whole area stopped.

We didn't know, was this terrorism? We didn't know if these were multiple killers. But thanks to this lab, and the way we could work with the FBI, we were able to have local law enforcement in charge, and we were able to catch the people of these terrible acts.

So what you do, and I could through each and every one, is just amazing. We really need to support you, and I look forward to doing it.

Senator SHELBY. Senator Shaheen, you have another question?

Senator SHAHEEN. Actually, I have a comment that I would like to make to follow up on something that Administrator Leonhart said, because I was just in a hearing in the Armed Services Committee with the general who is the head of Southern Command.

One of the things she was talking about was the their work to interdict drugs coming into Central America and Mexico, and the impact that additional sequestration cuts are going to have on their ability to continue with that interdiction and support those countries in Central America that are trying to, and Mexico, that are trying to address this effort.

I just think it's important for us to recognize that that is going to have a huge impact on the efforts, if those cuts go forward, the impact on the national security side, because of the drugs coming in. But that will then have an impact on the work that you are trying to do, that all of you are trying to do, if we can't address and roll back those cuts from sequestration.

So I thought it was important, Mr. Chairman, to point out that this has huge domestic potential impact.

Thank you.

Senator SHELBY. Thank you.

I thank the witnesses, but we will now temporarily recess and reconvene in closed session, as soon as we can get back over to the Capitol.

## ADDITIONAL COMMITTEE QUESTIONS

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED TO HON. JAMES B. COMEY

FEDERAL BUREAU OF INVESTIGATION

QUESTIONS SUBMITTED BY SENATOR BARBARA A. MIKULSKI

STOPPING HUMAN TRAFFICKING AND PEDOPHILES

*Question.* What is the FBI doing to stop human and sex trafficking in the United States? What additional resources are needed by the FBI to put traffickers out of business?

*Answer.* The FBI takes a victim-centered approach in conducting its human trafficking investigations. All efforts are taken to ensure victims are identified and provided necessary services. Through approximately 70 FBI-led Child Exploitation Task Forces (CETF), the FBI collaborates with nearly 400 State, local, and Federal law enforcement partners to identify and prosecute those individuals, enterprises, and businesses that exploit children, including those who facilitate the domestic sex trafficking of children. As of April 2015, the joint efforts of these groups have resulted in approximately 4,550 child recoveries and the conviction in State and Federal courts of nearly 2,000 child sex traffickers.

The FBI also takes part in over 120 Human Trafficking Task Forces and Working Groups to rescue adult victims of trafficking in persons. In these task forces and working groups, the FBI partners with other Federal, tribal, State and local law enforcement agencies, and their respective victim services components. These efforts often require working with various non-governmental organizations to ensure the rescued individuals are provided with whatever is necessary to restore their human dignity, irrespective of their willingness to cooperate in prosecution efforts.

Recognizing the complexity of many human trafficking investigations, the FBI—in coordination with its Federal, tribal, State and local partners—routinely uses myriad investigative techniques to dismantle human trafficking organizations. Intelligence collection is a large aspect of human trafficking investigations. Intelligence Analysts assess human trafficking data enabling analysis of current and past trafficking data.

*Question.* What assistance does the FBI provide to the victims of sex trafficking after an event like Operation Cross Country? What is being done to ensure these women and children are treated like victims, not criminals, by law enforcement?

*Answer.* In Federal cases where a victim has been identified, crisis support is provided and medical treatment is offered. Once a victim is recovered, an FBI Victim Specialist (VS) is introduced and provides food, hygiene items, and clothing for the victim, in an effort to preserve the victim's dignity and offer comfort during interactions with law enforcement.

FBI Victim Specialists (VS) possess specialized knowledge and skills on helping both adults and minors victims of sex trafficking. From providing on-scene crisis intervention to assisting families or guardians in considering specialized treatment options, a VS assesses the needs of the individual and works with local, State and Federal agencies to provide resources and opportunities to the victim. For example, if a minor is placed in residential treatment, the VS stays in contact with providers and guardians to keep communication open with the victim and to work within the team to coordinate any future investigative needs that does not jeopardize the victim's mental health. The VS also works with the U.S. Attorney's Office to facilitate support throughout the court process.

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QUESTIONS SUBMITTED BY SENATOR MARK KIRK

COMBATING TERRORIST GROUPS

*Question.* What is the FBI doing to ensure we have Arabic speaking FBI staff located at high-threat locations, like Chicago?

*Lead-in information from original document.—*

Recently, social media accounts claiming to be associated with the terror group ISIS posted threats against targeted locations in Chicago, including the Old Republic Building at 307 N. Michigan Avenue.

Answer. The FBI's Foreign Language Program works closely with the FBI's operational divisions to prioritize workload across divisions and intelligence domains as a reflection of those priorities. With a centralized management structure and a decentralized Arabic linguist workforce, the FBI directs Arabic language processing efforts across the Nation, focusing on operations in priority order as identified by the FBI's operational divisions, irrespective of geography. In addition, the FBI works to identify Field Offices, including Chicago, where there is an ongoing requirement for special agents with Arabic language skills. The FBI considers these unique language needs as a factor when assigning special agents to these offices. As a matter of policy, all counterterrorism materials must be reviewed regardless of tier, and the highest priority materials must be reviewed within specified timeframes, depending on the availability of linguists proficient in the languages required.

*Question.* Is the FBI working to recruit additional Arabic speakers?

*Lead-in information from original document.—*

Recently, social media accounts claiming to be associated with the terror group ISIS posted threats against targeted locations in Chicago, including the Old Republic Building at 307 N. Michigan Avenue.

Answer. In an effort to address the Arabic language needs of the FBI, the Bureau's Foreign Language Program pursues a number of initiatives to recruit from ethnic Arabic and heritage speaker communities. The FBI continues to provide training for special agents in Arabic and has recently renewed an incentive program for foreign language use to develop in-house capacity.

The FBI has been and continues to be successful in hiring new linguists in most languages, including Arabic. The FBI devised and implemented a workforce planning model with recruitment efforts targeted toward languages where there is a shortfall, particularly in those languages and dialects needed for higher priority investigations. The FBI also harnesses the flexibility of a mixed labor force of linguists consisting of full-time Government employees and contract linguists. Challenges to hiring Arabic linguists with specialized dialects or skills include competition between multiple Government agencies and private companies for the limited pool of such qualified linguist applicants.

*Question.* How is the FBI currently monitoring social media to ensure high-profile target cities like Chicago are safe?

*Lead-in information from original document.—*

Recently, social media accounts claiming to be associated with the terror group ISIS posted threats against targeted locations in Chicago, including the Old Republic Building at 307 N. Michigan Avenue.

Answer. The FBI uses many avenues to ensure the safety of communities nationwide; however, the FBI is bound by guidelines issued by the Attorney General that establish a consistent policy on when an investigation may be initiated. Through these guidelines, the FBI obtains authorization to collect information. The facts are analyzed and then used to prevent criminal or terrorist activity and, whenever possible, to aid in the arrest and prosecution of persons or groups who have violated the law.

## NATIONAL GANG INTELLIGENCE CENTER (NGIC)

*Question.* When will the NGIC produce another reliable assessment with data on gangs of national significance?

*Lead-in information from original document.—*

The National Gang Intelligence Center (NGIC) has received bipartisan and bicameral Congressional support despite being recommended for closure in the President's budget. The NGIC is not only a tool for law enforcement, but also the Gang Threat Assessments the NGIC produces help Congress identify threats and build coalitions around fighting gangs of national significance. The NGIC has not released an assessment since 2013, and has not released reliable gang member location data since 2010.

Answer. The NGIC produces the National Gang Report bi-annually. The most recent National Gang Report was published in 2013. The NGIC is now conducting

analysis on survey data and other sources to produce the 2015 National Gang Report. The anticipated release date is Fall/Winter 2015.

*Question.* Going forward, how will the FBI utilize the NGIC in its overall strategy to fight gangs of national significance?

*Lead-in information from original document.—*

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*Answer.* The FBI utilizes the NGIC as an integrated intelligence resource for identifying the growth, migration and criminal networks of gangs that pose a significant threat to communities throughout the United States. The NGIC supports participating agencies' gang investigations by providing remote and on-site analytical support to drive investigations. The FBI also utilizes the NGIC to conduct gang-related training to Field Office personnel and local law enforcement.

NGIC is a multi-agency gang "fusion center" and assists local, State and Federal agencies in coordinating and analyzing gang intelligence and serves as a focal point in obtaining gang-related intelligence information. NGIC plays a critical role in supporting the 164 Safe Streets Violent Gang Task Forces across the country. NGIC analysts assist in providing both strategic and tactical intelligence products on gang activity throughout the Nation. NGIC plays a critical coordination role in obtaining and disseminating Bureau of Prison and Correctional Intelligence through its Correctional Intelligence Task Force.

#### ONLINE SEX TRAFFICKING

*Question.* During what span of years and how many times has the FBI raided and closed sex trafficking Web sites?

*Lead-in information from original document.—*

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

*Answer.* The FBI continuously assesses various online platforms/Web sites for their involvement with child sex trafficking and works with Federal prosecutors to bring cases against those who violate relevant Federal statutes. In 2014, the FBI seized myredbook.com and sfredbook.com. The seizure of these sites was the culmination of several years of investigative work and complex legal analysis. Eric Omuro, the owner of the sites pleaded guilty to using a facility of interstate commerce with the intent to facilitate prostitution. On May 21, 2015, Omuro was sentenced to 13 months in prison. As part of his plea agreement, Omuro agreed to forfeit more than \$1.28 million in cash and property as well as the sfRedBook.com and myRedBook.com domain names. According to an affidavit submitted in connection with the sentencing hearing, the FBI identified more than 50 juveniles who were also advertised on myRedBook for the purpose of prostitution. Furthermore, despite being contacted by NCMEC in 2010, myRedBook never registered to participate in the center's CyberTipline, which receives leads and tips regarding suspected crimes of sexual exploitation committed against children, and never communicated with NCMEC.

*Question.* How does the FBI use Backpage.com as a tool to investigate sex trafficking?

*Lead-in information from original document.—*

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking

and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

**Answer.** The FBI reviews open source data for information that might be of evidentiary value to existing cases and/or justify the initiation of new cases.

**Question.** Has the FBI subpoenaed Backpage.com regarding sex trafficking?

*Lead-in information from original document.—*

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**Answer.** Yes. In investigations relating to Federal child sexual exploitation offenses, the FBI has the authority to issue and serve administrative subpoenas to seek information specified in 18 U.S.C. Section 2703(c)(2); that is: the name; address; local and long distance telephone connection records, or records of session times and durations; length of service (including start date) and types of service utilized; telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and means and source of payment for such service (including any credit card or bank account number), of a subscriber to or customer of such service. The FBI has used this valuable investigative tool to obtain such information from Backpage.

**Question.** Please describe the FBI's assessment of Backpage's level of cooperation that Backpage provides to the FBI.

*Lead-in information from original document.—*

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric “Red” Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

**Answer.** Backpage.com has been served with legal process in various investigations of individuals involved with ads on that Web site, and they have responded to these legal orders.

**Question.** How many FBI agents has the FBI assigned to combat sex trafficking?

*Lead-in information from original document.—*

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric “Red” Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

**Answer.** In fiscal year 2015, the FBI has approximately 90 agents dedicated to the investigation of human trafficking offenses, including approximately 10 agents dedicated to investigating child sex tourism offenses.

**Question.** In the FBI's analysis, is the FBI better able to combat sex trafficking with Backpage operating in its current form or with the FBI raising and closing Backpage?

*Lead-in information from original document.—*

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric “Red” Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

Answer. The question assumes that there is currently sufficient evidence of criminal conduct to support a search and seizure of Backpage. The FBI cannot comment on this assumption. In general, the FBI does not confirm or deny the existence of any pending investigation nor does it comment on hypotheticals.

*Question.* Over the last 3 years, how many sex trafficking victims has the FBI been involved with rescuing per year?

*Lead-in information from original document.—*

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

Answer. Due to the nature of adult sex trafficking cases, the fine line which can often be blurred between trafficking and prostitution for the worker, and the difficulty in bringing these cases to prosecution, generating an accurate number of adult victims rescued during any given year would not be representative of the FBI's work to combat this threat. However, between fiscal year 2012 and fiscal year 2014 the FBI has opened over 1,000 human trafficking cases, in which approximately 70 percent of these opened cases have a sex trafficking nexus (250 cases in 2012, 248 cases in 2013, 308 cases in 2014 and 239 in 2015 as of August 13, 2015). Additionally, from fiscal year 2012 through fiscal year 2014, the FBI averaged more than 750 child rescues per year (approximately 600 in fiscal year 2012, approximately 850 in fiscal year 2013, and approximately 900 in fiscal year 2014).

*Question.* What are the top five Federal districts with the greatest number of sex trafficking investigations?

*Lead-in information from original document.—*

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

Answer. Human trafficking efforts are encompassed in several different units at the FBI. The Civil Rights Unit is responsible for human and sex trafficking of adults, whereas the Innocence Lost National Initiative (within the Violent Crimes Against Children program) is responsible for trafficking of minors. The FBI tracks case statistics based on FBI Field Office jurisdictions, rather than Federal districts, and therefore cannot provide the top five Federal districts. However, in total, from fiscal year 2004 through fiscal year 2014, the FBI initiated more than 1,600 investigations and more than 650 individuals were convicted of human trafficking violations.

*Question.* In the Northern District of Illinois during 2009–2014, the FBI has conducted how many sex trafficking investigations?

*Lead-in information from original document.—*

During June 2014, in the Northern District of California the FBI raided and closed the sex trafficking Web site, MyRedBook.com (MyRedBook), and arrested its operators, Eric "Red" Omuro and Annemarie Lanoce. During November-December 2014, Omuro pleaded guilty to using the MyRedBook Web site with the intent to facilitate prostitution and Lanoce pleaded to assisting Omuro with the operation of the MyRedBook.com Web site. Continuing to combat sex trafficking and other Web sites used for sex trafficking, similar to MyRedBook.com, must be a top priority.

Answer. The FBI does not track cases by judicial district. However, between fiscal year 2009 and fiscal year 2014 the FBI Chicago field division has conducted 199 sex trafficking investigations. This encompasses both child and adult victims.

## QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

## ISIS CYBER HACKING

*Question.* How is the FBI handling our Nation's cyber security breaches, especially the cyber hacking led by ISIS?

Answer. Based on the results of the FBI's investigations and collaboration with our U.S. Government and international partners, the FBI assesses, as of April 2015, the Islamic State of Iraq and the Levant (ISIL) has a low capability to conduct offensive cyber operations with the potential to affect U.S. networks and damage critical U.S. infrastructure. An "Islamic State Hacking Division" claimed to have hacked "U.S. military databases" and released the names and addresses of 100 U.S. military members on various social media and file sharing sites on 20 March 2015. However, actual compromise of U.S. networks has not been confirmed; the material appears to have originated from open sources.

Over the past 6 months, the FBI has observed an increase in pro-ISIL extremist hackers carrying out nuisance attacks against vulnerable public websites and social media accounts, disrupting those sites for short periods of time and/or using the access to those accounts to post pro-ISIL imagery and propaganda. These hackers, while espousing views in support of ISIL, are not believed to have connections with, or receive any direction from, ISIL leadership.

## FBI WHISTLEBLOWERS GAO REPORT

*Question.* According to GAO, compared with other Federal agencies, FBI whistleblowers have less protection against retaliation by management, the GAO and current procedures could discourage whistleblowing." Is the FBI moving forward and reforming this policy?

Answer. The FBI has two policies related to whistleblower protections. Among other things, our policy entitled "FBI Whistleblower Policy" (policy directive 0272D) identifies the types of protected disclosures (reports of mismanagement, gross waste of funds, abuse of authority, substantial and specific danger to public health or safety, and violation of any law, rule, or regulation), the authorities to whom protected disclosures are made, and the responsibility of FBI managers to ensure that whistleblowers are not subject to reprisal.

A more recent policy provides additional protections. The purpose of the 2014 policy entitled "Non-Retaliation for Reporting Compliance Risks" (policy directive 0727D) "is to provide an effective process for all Federal Bureau of Investigation (FBI) personnel to express concerns or report potential violations regarding the FBI's legal and regulatory compliance, without retaliation, and to encourage the reporting of any such concerns." This policy emphasizes that "[t]he FBI is committed to creating and sustaining a culture of compliance that promotes open communication, including open and candid discussion of concerns about compliance with applicable laws, regulations, and Department of Justice (DOJ) and FBI policies" (Section 8.1.1) and makes clear that "FBI personnel are strictly prohibited from retaliating against anyone for reporting a compliance concern" (Section 8.1.2). Protected compliance concerns may be reported to: the FBI Office of Integrity and Compliance (OIC), the OIC Helpline (which accepts anonymous calls), division compliance officers, the Division Compliance Council, or any supervisor in the reporting employee's chain of command. This policy explicitly provides that it "does not add to, or subtract from, the whistleblower protections provided to FBI personnel under 5 U.S.C. § 2303, the DOJ regulations set forth in 28 CFR Part 27, Intelligence Community Directive (ICD) 120, or Policy Directive (PD) 0272D, *FBI Whistleblower Policy*." (Section 8.5.1)

The FBI believes that whistleblowers play an important role in discovering and preventing waste, fraud, and abuse in the Government. The FBI is working with the Department to improve the process for adjudicating claims of retaliation. These changes will ensure that the Department has a fair and efficient process for adjudicating these claims, and include expanding the list of persons to whom a protected disclosure may be made.

## HUMAN TRAFFICKING LEGISLATION

*Question.* As you may know, the Senate is currently considering human trafficking legislation. I don't think many people realize the scope of this issue in our own country. Can you discuss FBI initiatives to combat human trafficking? What can Congress do to help?

Answer. In 2003, the FBI, in conjunction with the Department of Justice Child Exploitation and Obscenity Section and the National Center for Missing and Exploited Children (NCMEC), launched the Innocence Lost National Initiative (ILNI).

Through approximately 70 FBI-led Child Exploitation Task Forces (CETF), the FBI collaborates with nearly 400 local, State, and Federal law enforcement partners to identify and prosecute those individuals, enterprises, and businesses that exploit children, including those who facilitate the domestic sex trafficking of children. As of April 2015, the joint efforts of these groups have resulted in approximately 4,550 child recoveries and the conviction in State and Federal courts of nearly 2,000 child sex traffickers. In support of the ILNI, the FBI is currently engaged in a significant project to improve its technical capabilities in identifying online indicators of child sex trafficking. This tool will more effectively compare open source data with existing law enforcement and non-governmental organizations (NGO) databases.

The FBI participates in over 120 Human Trafficking Task Forces and Working Groups to address sex and labor trafficking of adults in the United States and abroad, where appropriate, such as a link to victimization of individuals in the United States. These task forces and working groups partner with Federal, tribal, State and local law enforcement entities, as well as NGOs to assist investigations, prosecutions and with providing victim services. Each FBI Field Office has personnel assigned to investigate human trafficking cases. Additionally, Field Office and headquarters personnel regularly conduct training on human trafficking awareness and investigation. Audiences of such training include Federal, tribal, State and local law enforcement officers, government personnel, NGOs, victim service providers, community leaders, immigration aid workers, medical personnel, hospitality industry workers, faith-based organizations and students at the high school and collegiate level.

The FBI is currently engaged in numerous national initiatives designed to address sex trafficking in the U.S. associated with massage parlors, and trafficking from abroad, particularly via Transnational Organized Crime organizations. Additionally, in partnership with the Departments of State and Homeland Security, the FBI is part of an initiative to train personnel in various embassies and diplomatic posts around the world in an effort to address potential human trafficking before potential victims travel to the U.S. This initiative will also enhance cooperation between U.S. law enforcement personnel abroad and their host-nation law enforcement and NGO partners.

The FBI will continue to update Congress on the status of ongoing programs and looks forward to working together to address Human Trafficking issues.

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QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

FBI SURVEILLANCE TECHNOLOGY

*Question.* Under the FBI's current policies relating to the use of cell-site simulators, how many times has the FBI employed such a device without prior court approval, and what were the reasons for doing so? What is the policy regarding retention of data?

*Lead-in information from original document.—*

Recent media reports have raised questions about Federal law enforcement's use of sophisticated surveillance technology, like cell-site simulators and license plate reading cameras, to track suspects historically and in real-time. Although I appreciate the potential value of this technology to law enforcement, I am concerned about the potential impact on the privacy rights of innocent Americans.

*Answer.* On September 3, 2015, the Department of Justice announced a new policy for its use of cell-site simulators that will enhance transparency and accountability, improve training and supervision, establish a higher and more consistent legal standard and increase privacy protections in relation to law enforcement's use of this critical technology.

The policy, which applies Department-wide, will provide Department components with standard guidance for the use of cell-site simulators in the Department's domestic criminal investigations and will establish new management controls for the use of the technology. Cell-site simulator technology has been instrumental in aiding law enforcement in a broad array of investigations, including kidnappings, fugitive investigations and complicated narcotics cases. This new policy ensures the Department's protocols for this technology are consistent, well-managed and respectful of individuals' privacy and civil liberties.

To enhance privacy protections, the new policy establishes a set of required practices with respect to the treatment of information collected through the use of cell-site simulators. This includes data handling requirements and an agency-level implementation of an auditing program to ensure that data is deleted consistent with

this policy. For example, when the equipment is used to locate a known cellular device, all data must be deleted as soon as that device is located, and no less than once daily. Additionally, the policy makes clear that cell-site simulators may not be used to collect the contents of any communication in the course of criminal investigations. This means data contained on the phone itself, such as emails, texts, contact lists and images, may not be collected using this technology.

While the Department has, in the past, obtained appropriate legal authorizations to use cell-site simulators, law enforcement agents must now obtain a search warrant supported by probable cause before using a cell-site simulator. There are limited exceptions in the policy for exigent circumstances or exceptional circumstances where the law does not require a search warrant and circumstances make obtaining a search warrant impracticable. Department components will be required to track and report the number of times the technology is deployed under these exceptions. To ensure that the use of the technology is well managed and consistent across the Department, the policy requires appropriate supervision and approval.

*Question.* Since 2001, how many cell-site simulators has the FBI purchased or obtained from another Government agency? What has been the cost, per year, for the acquisition, maintenance and deployment of the FBI's cell-site simulators?

*Lead-in information from original document.—*

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*Question.* Does the FBI maintain its own license plate reader database? If so, how long has the database been operational and what are the policies and procedures in place that govern the collection and use of the data? How many cameras are in the network? What other law enforcement agencies, if any, have access to this database?

*Lead-in information from original document.—*

Recent media reports have raised questions about Federal law enforcement's use of sophisticated surveillance technology, like cell-site simulators and license plate reading cameras, to track suspects historically and in real-time. Although

I appreciate the potential value of this technology to law enforcement, I am concerned about the potential impact on the privacy rights of innocent Americans.

Answer. The FBI uses its license plate readers (LPR) as an investigative technique. FBI LPR systems may only be deployed in support of predicated investigations, and there must be a reasonable belief that LPR will aid that investigation. Deployment must be approved by the investigating Field Office's Chief Division Counsel and a Supervisory Special Agent.

By default, records are retained for 90 days. Records deemed as pertinent to the investigation may be retained for up to 25 years, or as needed by the investigation. All other records are permanently discarded after the 90 day retention period has expired.

Currently, the FBI has approximately 140 LPR cameras throughout the U.S. which are deployed as required to support specific investigations. No external agency currently has access to the FBI's LPR database.

#### PRIVACY IMPACT ASSESSMENT

*Question.* Has the FBI conducted a PIA of its domestic drone use?

*Lead-in information from original document.—*

Under the E-Government Act of 2002 and Justice Department guidelines, the FBI is required to conduct and release a Privacy Impact Assessment (PIA) prior to deploying new technologies that collect, maintain, or disseminate personal information. While an interim DOJ OIG report in 2013 indicated that the FBI has been deploying drones to support its mission since 2006, the FBI has either not developed, or failed to release a PIA. By comparison, the Department of Homeland Security has publicly released two PIA's of its drone operations.

Answer. No, the FBI continues to work with the DOJ Office of Privacy and Civil Liberties to evaluate the privacy implications of its investigative techniques to determine when or if a PIA is required.

*Question.* If so, please provide copies of all PIA's and if not, please explain why a PIA has not been conducted.

*Lead-in information from original document.—*

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Answer. The FBI is fully committed to transparency while protecting information whose release could compromise law enforcement efforts or national security, as indicated in President Obama's Memorandum. Currently, UAS are used in a way such that they provide the same information that was available through the use of manned aircraft. Were this to change, a legal review would be conducted first, in order to ensure compliance with relevant statutes, regulations, the President's memorandum, and FBI policies. The FBI continues to work with the DOJ UAS working group, which includes the DOJ Office of Privacy and Civil Liberties, to identify UAS issues and develop all appropriate guidelines. A PIA exists for the Sentinel system, which is the only system which retains UAS information, as does a System of Records Notice (SORN) for the Central Records System. Both of these are publicly available and speak to the FBI's treatment and storage of its investigative records. The FBI continually evaluates the privacy implications of its investigative techniques.

*Question.* Will you commit to making any past and all future PIA's publicly available?

*Lead-in information from original document.—*

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Answer. The FBI is committed to making PIAs available as required by law. Any PIAs released by the FBI will be available on both the FBI's and DOJ's public Web site.

SENATE JUDICIARY QUESTIONS FOR THE RECORD FROM 2014

*Question.* Please provide answers to those questions as soon as possible.

*Lead-in information from original document.—*

On May 21, 2014, you appeared before the Senate Judiciary Committee to testify for the first time as Director of the FBI. I submitted several questions for the record, stemming from testimony by former Director Mueller on the FBI's use of drones, inquiring about measures the FBI was taking to protect Americans' privacy rights. To date, I have yet to receive a response to those questions.

Answer. The FBI's responses to the May 21, 2014 Questions for the Record were provided to the Senate Judiciary Committee by DOJ on July 2, 2015.

MEMORANDUM ON UNMANNED AIRCRAFT SYSTEMS

*Question.* As the FBI works to implement these measures, please provide clarification on the Bureau's interpretation of this memorandum.

*Lead-in information from original document.—*

On February 15, 2015, President Obama signed a Memorandum on Unmanned Aircraft Systems, establishing principles to oversee the Government's use of domestic drones. The guidelines include important transparency measures and rules to ensure that privacy protections keep pace with new technologies. However, the transparency provision contains an exception for law enforcement and the privacy protections section fails to define what constitutes new drone technology.

Answer. The FBI is fully committed to transparency while protecting information whose release could compromise law enforcement efforts or national security, as indicated in President Obama's Memorandum and the Department of Justice's Policy Guidance. Currently, UAS are used in a way such that they provide the same information that was available through the use of manned aircraft. Were this to change, a legal review would be conducted first, in order to ensure compliance with relevant statutes, regulations, the President's memorandum, and FBI policies.

As with any investigative technique, the use of UAS must balance the intrusive-ness of the technique against investigative needs. Additionally, the use of UAS must be approved by an Assistant Special Agent in Charge or someone with equivalent (or greater) seniority, and the FBI's Senior Component Official for Privacy must conduct an annual review of the FBI's use of UAS.

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QUESTIONS SUBMITTED BY SENATOR TAMMY BALDWIN

PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

*Question.* Please describe how the FBI will incorporate the recommendations of the President's Task Force on 21st Century Policing into its existing training programs for State and local law enforcements, in particular those recommendations related to improving community relations, developing appropriate use of force standards, encouraging the adoption of "least harm" preferences and the use of less than lethal technology, and addressing racial and other profiling and bias in policing.

*Lead-in information from original document.—*

The interim report of the President's Task Force on 21st Century Policing provides numerous recommendations to Federal law enforcement and other agencies, including the FBI, to help change law enforcement culture, increase community collaboration and engagement, develop new technology, support training, and promote officer safety and wellness. As trusted partners to State and local law enforcement, FBI and the Justice Department have a unique opportunity to leverage their expertise and resources to help drive change in law enforcement at all levels and throughout country.

Answer. The FBI will continue to work with DOJ and the administration to implement the recommendations of the President's Task Force on 21st Century Policing report. The FBI will focus on partnership engagement and the reports key topics: building law enforcement trust and legitimacy, potential policy changes, technology and social media enhancements, community policing and crime reduction practices,

training and educational opportunities, and officer wellness and safety. To date the FBI National Academy Advisory Board has met on multiple occasions to discuss the final report as well as how the National Academy Training program can incorporate recommendations into its curriculum. The FBI continues to coordinate efforts with the International Association of Chiefs of Police (IACP), the National Sheriffs' Association, and other law enforcement associations to build additional support for increased participation among local, State, and tribal partners. Also, the FBI understands the importance of uniformed crime reporting and will continue to work to increase implementation of the National Incident-Based Reporting System (NIBRS). Overall the FBI will continue to engage its partners in the law enforcement community on these issues and will continue to strive to lead by example.

*Question.* Please describe how the FBI and the Department of Justice will continue to engage members of law enforcement, community leaders and others in implementing the recommendations of the President's Task Force and identifying additional areas for potential improvements in police practices.

*Lead-in information from original document.—*

The interim report of the President's Task Force on 21st Century Policing provides numerous recommendations to Federal law enforcement and other agencies, including the FBI, to help change law enforcement culture, increase community collaboration and engagement, develop new technology, support training, and promote officer safety and wellness. As trusted partners to State and local law enforcement, FBI and the Justice Department have a unique opportunity to leverage their expertise and resources to help drive change in law enforcement at all levels and throughout country.

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*Question.* Please describe how the FBI or other Department of Justice components will use current grant programs to incentivize the adoption of the Task Force's recommendations by State and local law enforcement agency grantees, and what additional funding, either for existing grants or new programs, would support the implementation of the recommendations.

*Lead-in information from original document.—*

The interim report of the President's Task Force on 21st Century Policing provides numerous recommendations to Federal law enforcement and other agencies, including the FBI, to help change law enforcement culture, increase community collaboration and engagement, develop new technology, support training, and promote officer safety and wellness. As trusted partners to State and local law enforcement, FBI and the Justice Department have a unique opportunity to leverage their expertise and resources to help drive change in law enforcement at all levels and throughout country.

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support for increased participation among local, State, and tribal partners. Also, the FBI understands the importance of uniformed crime reporting and will continue to work to increase implementation of the National Incident-Based Reporting System (NIBRS). The FBI is working with DOJ on a funding strategy for States to implement NIBRS. Overall the FBI will continue to engage its partners in the law enforcement community on these issues and will continue to strive to lead by example.

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QUESTIONS SUBMITTED TO HON. STACIA A. HYLTON

UNITED STATES MARSHALS SERVICE

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

ADAM WALSH ACT FUNDING

*Question.* How successful has the Marshals Service been in recent years in apprehending fugitive sex offenders?

*Lead-in information from original document.—*

The Adam Walsh Child Protection and Safety Act tasks the Marshals Service with apprehending fugitive sex offenders—convicted criminals who have committed heinous acts and are required to maintain updated registration records about themselves. The 2016 budget requests \$61 million for the Marshals Service Sex Offender investigators, which includes additional funds for training, operations, software licensing, and computer database fees to help agents do their jobs more effectively.

*Answer.* In fiscal year 2014, USMS arrested 11,206 fugitive sex offenders, which resulted in the clearance of 13,345 warrants. As of the second quarter of fiscal year 2015, USMS has arrested 3,836 fugitive sex offenders and cleared 5,448 outstanding warrants.

In addition, the USMS Sex Offender Investigations Branch has obtained 4,130 warrants for Federal prosecution of AWA-related offenses, and has cleared 3,362 (81 percent) of those warrants by USMS arrest since fiscal year 2006.

*Question.* How would this increased funding in 2016 help to catch more fugitive sex offenders?

*Lead-in information from original document.—*

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*Answer.* The program increase of \$4.7 million for fiscal year 2016 will provide:

- Operational support for costs associated with investigative coordination among the USMS and participating State and local law enforcement agencies.
- Funding for basic and advanced sex offender investigative coordinators training and other courses necessary to provide continuing education to the USMS Sex Offender Investigators.
- Funding for technology development required by investigators to fulfill the AWA mission.

The additional funding would help increase fugitive sex offender arrests and result in more Federal cases presented to the U.S. Attorneys' Offices for prosecution of 18 U.S.C. § 2250. As part of the USMS AWA mission, the USMS works with its State, local, tribal, and territorial counterparts to carry out operations to identify non-compliant sex offenders.

In addition, increased funding would allow the USMS to expand its outreach to more tribal territories and further assist them in strengthening their compliance efforts on tribal lands.

Without this increase, static operational funds will limit increased collaboration with partners and restrict travel for interviews and evidence, which may impact successful prosecutions.

*Question.* How does the Marshals Service staff coordinate with State and local law enforcement agencies to achieve better results in the apprehension of these fugitives?

*Lead-in information from original document.—*

The Adam Walsh Child Protection and Safety Act tasks the Marshals Service with apprehending fugitive sex offenders—convicted criminals who have committed heinous acts and are required to maintain updated registration records about themselves. The 2016 budget requests \$61 million for the Marshals Service Sex Offender investigators, which includes additional funds for training, operations, software licensing, and computer database fees to help agents do their jobs more effectively.

**Answer.** The AWA mandates that the USMS assist State, local, tribal, and territorial agencies in locating and apprehending sex offenders who violate their sex offender registration requirements. To accomplish this mission, the USMS has more than 100 deputies who are assigned to investigate non-compliant sex offenders on a full-time basis. These deputies are in regular contact with their State, local, tribal, and territorial counterparts who administer their respective sex offender registries.

In fiscal year 2015, the USMS, in a coordinated effort with its National Sex Offender Targeting Center (NSOTC), will be conducting two separate three-day training sessions devoted solely to State and local sex offender investigators. This training will help familiarize personnel with the USMS AWA mission and encourage them to utilize the resources of the USMS in their sex offender compliance mission. Additionally, the USMS and NSOTC plan to coordinate at least two separate tribal working groups, which will bring together USMS, State, local, and tribal officials to discuss differences in sex offender compliance efforts and ways to better coordinate them. The NSOTC is also working with the Department of Defense (DOD), to share its institutional knowledge to properly implement the Sex Offender Registration and Notification Act (SORNA). The NSOTC has initially selected seven major installations to facilitate the transition and implementation of the SORNA. To date, the USMS has helped conduct two military outreach sessions at Ft. Hood, Texas, and Joint Base McChord, Washington.

In fiscal year 2014, the USMS assisted in 355 compliance and enforcement operations, including 26 operations on tribal lands. To date, in fiscal year 2015, the USMS has assisted in 155 compliance and enforcement operations, including five on tribal lands. Since the inception of the AWA in 2006, the USMS has assisted with the execution of 1,775 compliance and enforcement operations resulting in compliance checks of more than 253,000 sex offenders. These operations are conducted not only to locate and apprehend non-compliant sex offenders, but are also designed to assist the State, local, and tribal agencies maintain a more accurate and current sex offender registry. To accomplish this, the USMS has partnered with more than 31,000 law enforcement officers from over 8,100 State, local, tribal, and territorial agencies.

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QUESTION SUBMITTED BY SENATOR BARBARA A. MIKULSKI

STOPPING HUMAN TRAFFICKING AND PEDOPHILES

**Question.** How many Deputy U.S. Marshals are currently dedicated to full-time Adam Walsh Act enforcement? What additional resources or authorities are needed to track and arrest the over 100,000 non-compliant sex offenders in the United States?

**Answer.** In fiscal year 2015, the USMS has 150 fully dedicated personnel working on Adam Walsh Act enforcement activities, including 132 Deputy U.S. Marshals covering each judicial district in the United States. The support staff involved in everyday operations of the AWA mission is equally as vital. Analysts and administrative employees assist those investigators in the field and provide critical support in order to achieve this enforcement mission. The USMS believes that the current staffing level provides adequate coverage to go after the “worst of the worst” offenders. Subsequent budget requests will re-examine staffing levels based on workload, change in business practices, recent statutes and mandates, and audit findings, to ensure that resources are necessary to track and arrest an estimated 100,000 non-compliant sex offenders of the approximately 819,218 sex offenders living in the United States.

## QUESTIONS SUBMITTED BY SENATOR MARK KIRK

## COUNTER GANG UNITS

*Question.* How are the Marshals prepared and planning to continue this program and what resources are required to maintain these units dedicated to gang enforcement?

*Lead-in information from original document.—*

I commend the Marshals Service for having a Counter Gang Unit up and running in the Great Lakes Regional Task Force that serves Chicago. In fiscal year 2015, Congress appropriated \$7.5 million to the Marshals Service to form Counter Gang Units in each of the seven regional task forces to combat gangs; however, your fiscal year 2016 budget request does not specifically set aside funds for counter gang units.

*Answer.* The USMS has taken proactive measures to continue running its Gang Enforcement Program. These measures have been built upon the initial \$7.5 million from USMS base resources in fiscal year 2014. In the 2015 Senate Appropriations Committee Report (H.R. 113–181), the subcommittee directed that with the amount provided in the budget request, the USMS shall dedicate no less than \$5 million to operate anti-gang investigative units within the RFTFs, including supporting the supervisory, operational, equipment, and training needs of these units, in order to target gangs of national significance.

Currently, each of the seven USMS Counter Gang Units (CGUs) is operating on a daily basis to identify, target, disrupt or dismantle violent street gangs. The CGUs were established within the existing infrastructure of each of the USMS Regional Fugitive Task Forces (RFTFs). These highly unique and specialized units operate efficiently and effectively with long standing partnerships with Federal, State, and local law enforcement agencies. Expenses, such as overtime, vehicle and equipment purchases, and training, incurred by the USMS's State and local partners are primarily funded by the Asset Forfeiture Program's Joint Law Enforcement Operations (JLEO).

*Question.* Can you elaborate upon the successes of your counter gang program over the last fiscal year?

*Lead-in information from original document.—*

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*Answer.* Since establishing the seven CGUs in fiscal year 2014, these units have been responsible for the arrest of more than 1,500 gang members, as well as the seizure of more than \$830,000 in U. S. currency, 16 kilograms of illegal narcotics, and more than 170 illegal firearms. Additionally, the Technical Operations Group (TOG) assigned to the CGUs has been responsible for more than 400 additional arrests of violent offenders.

The success of the CGUs is built on the ability to target the most violent and dangerous offenders and by continuing to disrupt and dismantle the prevalent gangs that are causing the conflicts within local communities. By going after and weeding out the most pernicious gang members, the USMS and its law enforcement partners are able to make a positive difference in the affected communities. The CGUs, combined with resources from a variety of law enforcement agencies, operate as a cohesive powerhouse of intellect, knowledge, and investigative expertise.

*Question.* Going forward how can this subcommittee further assist the Marshals Service in the apprehension of not just gang members, but human traffickers, cyber criminals, and other fugitives?

*Lead-in information from original document.—*

I commend the Marshals Service for having a Counter Gang Unit up and running in the Great Lakes Regional Task Force that serves Chicago. In fiscal year 2015, Congress appropriated \$7.5 million to the Marshals Service to form Counter Gang Units in each of the seven regional task forces to combat gangs; however, your fiscal year 2016 budget request does not specifically set aside funds for counter gang units.

*Answer.* The USMS appreciates the subcommittee's continued support to its enforcement missions. The USMS will continue its Counter Gang Unit operations

within the Regional Fugitive Task Forces in fiscal year 2016. The subcommittee can further assist the Marshals Service apprehend human traffickers, cyber criminals, and other fugitives by supporting the President's budget request.

QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

ASSETS FORFEITURE FUND VS FEDERAL PRISONER DETENTION FUNDS TO SUSTAIN COSTS

*Question.* Will the U.S. Marshals be able to sustain their costs by continuing to use the Asset Forfeiture Funds as opposed to the Federal Prisoner Detention (FPD) funds?

*Answer.* In fiscal year 2014, the Assets Forfeiture Fund received a one-time deposit of \$1.2 billion related to a civil forfeiture action against Toyota Motor Corporation, resulting in excess unobligated balances in the account. In fiscal year 2015, those excess balances will be depleted because they are being used for Federal Prisoner Detention related expenses, pursuant to The Consolidated and Further Continuing Appropriations Act, 2015. The Assets Forfeiture Program does not currently project any excess unobligated balances in fiscal year 2016. Although excess forfeiture funds are not available in fiscal year 2016, the USMS would be able to sustain its projected detention costs for fiscal year 2016 if the USMS is provided FPD funding at the President's Budget level of \$1.4 billion.

U.S. MARSHALS SERVICE SPECIAL OPERATIONS GROUP

*Question.* Can you discuss your Special Operations Group and their support to domestic and international missions?

*Answer.* The U.S. Marshals Service Special Operations Group (SOG) is a flexible, modernized unit with a diverse skill set that conducts specialty operations in any environment both within and outside the United States. The SOG comprises competitively selected Deputy U.S. Marshals that receive specialized training used to enhance the tactical capabilities of the Marshals Service both domestically and internationally. The SOG is often requested by other law enforcement agencies and the Marshals Service to bring its distinctive skills to support special missions. Modern law enforcement must have the capability to defend against dangerous criminals that often have considerable weaponry, tactical advantage and intent to use these weapons against law enforcement and the public. The SOG has the capacity to strengthen and reinforce standard law enforcement against these dangerous criminals. The SOG is different from a standard Special Weapons and Tactics (SWAT) unit. A SWAT unit operates in a singular environment with a limited scope of authority in support of local law enforcement whereas the SOG is a national support unit capable of responding anywhere in the United States and abroad in support of enforcement operations as well as humanitarian relief and national crises.

*Notable Domestic Operations:*

- Capture of Eric Frein.*—The SOG personnel were involved in the manhunt and capture of Eric Frein in Pennsylvania. Frein is accused of assassinating Pennsylvania State Trooper Jamie Dickson and wounding another Trooper before his capture.
- Ferguson, Missouri.*—The SOG deployed to support Ferguson, MO during the civil unrest. The mission was to protect the Federal courthouse and DOJ attorneys who met with Ferguson city officials and the Michael Brown family when the verdict was delivered.
- Boston Marathon Bomber.*—The SOG has sole responsibility for the transport and custody of Dzhokhar Tsarnaev. SOG is currently providing a quick reaction force and overall security to the ongoing trial in the Federal District of Massachusetts.
- Libyan Terrorist Abu Khattallah.*—The SOG is providing security and trial transportation for this high risk prisoner who is accused of murdering U.S. Ambassador Christopher Stevens and three American security officers in Benghazi, Libya in 2012.
- Gang Enforcement.*—Conducted multiple rotations to assist in the national gang enforcement operation known as VR-7 (violence reduction—7 cities) at multiple locations throughout the United States.
- Heroin.*—In the Federal District of Arizona, the SOG members executed search and arrest warrants against high value Mexican Cartel members involved in smuggling weapons, cocaine, heroin, and methamphetamines.

*Notable International Operations:*

- Iraq.*—From 2003 to 2009, the SOG was responsible for establishing judicial security throughout Iraq. During this timeframe, this unit coordinated all security for the prosecution of Saddam Hussein. The SOG deputies protected international attorneys, Iraqi trial judges, and U.S. Department of Justice personnel assigned to assist in the trial.
- Afghanistan.*—From 2007 until 2014, the SOG was tasked with creating and sustaining the judicial security unit of the Afghan National Police. This unit started with 6 officers and by the end of SOG's withdrawal from Afghanistan in 2014, the unit was fully staffed with 1,063 fully equipped personnel trained in current methods and procedures for judicial security.
- The SOG was called on to provide additional protection for the U.S. Drug Czar during his trips to Afghanistan.
- The SOG supported the Office of National Drug Control Policy (ONDCP) with tactical personnel while the Director of ONDCP traveled to the opium poppy fields in the Helmand Province.
- Kenya.*—The SOG conducted a high risk extradition from Nairobi, Kenya to the United States which required a level of sophisticated medical knowledge that is a part of the unit's training.
- Mexico.*—The SOG assisted USMS Investigative Operations Division, International Investigations Branch with the Merida Training program in Mexico. This unit provided instruction to the Mexican Federal Police Advanced Special Response Teams (SRT). Classes included driving, dignitary protection, tactical shooting, building entry and tactical trauma medicine.
- Colombia.*—In fiscal year 2014, the SOG began its assistance to the USMS Training Division with Operation Plan Colombia. The SOG provided instructors and subject matter experts to assist with the dignitary and witness protection training.

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QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

## USMS SURVEILLANCE TECHNOLOGY

*Question.* Under the USMS's current policies relating to the use of cell-site simulators, how many times has the USMS employed such a device without prior court approval, and what were the reasons for doing so? What is the policy regarding retention of data?

*Lead-in information from original document.—*

Recent media reports have raised questions about Federal law enforcement's use of sophisticated surveillance technology, like cell-site simulators and license plate reading cameras, to track suspects historically and in real-time. Although I appreciate the potential value of this technology to law enforcement, I am concerned about the potential impact on the privacy rights of innocent Americans.

*Answer.* The Department is committed to using all law enforcement resources in a manner that is consistent with the requirements and protections of the Constitution and other legal authorities, and with appropriate respect for privacy and civil liberties. We are likewise committed to ensuring that the Department's practices are lawful and respect the important privacy interests of the American people.

The Department's law enforcement components have provided multiple briefings to Congressional Oversight Committee staff. These briefings were held to provide the requested information about certain sensitive law enforcement tools and techniques while avoiding making public the use of any specific, sensitive equipment and techniques that may be deployed in furtherance of law enforcement missions. To do so would allow kidnappers, fugitives, drug smugglers, and certain suspects to determine our capabilities and limitations in this area. Although we cannot discuss here the specific equipment and techniques that we may use, we can assure you that to the extent the Department's law enforcement components deploy certain technologies in investigations, we are committed to using them consistent with the Constitution and Federal law. Finally, the Department is in the process of examining its policies to ensure that they reflect our continuing commitment to conducting its vital missions while according appropriate respect for privacy and civil liberties.

*Question.* Since 2001, how many cell-site simulators has the USMS purchased or obtained from another Government agency? What has been the cost, per year, for the acquisition, maintenance and deployment of the USMS's cell-site simulators?

*Lead-in information from original document.—*

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**Question.** Does the USMS maintain its own license plate reader database? If so, how long has the database been operational and what are the policies and procedures in place that govern the collection and use of the data? How many cameras are in the network? What other law enforcement agencies, if any, have access to this database?

*Lead-in information from original document.—*

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**Answer.** The USMS deploys the License Plate Reader (LPR) system in support of its fugitive and Adam Walsh Act investigations. The LPR assists in locating vehicle tags associated with fugitives or in locating sex offenders who are in violation of the registry status in order to affect an arrest. This system is only operational on one computer in one vehicle that is operationally used in West Virginia by the USMS.

The LPR, when operating, enables the uploading of photographic image of the license plate. This data is stored on a laptop hard drive and is not accessible on the laptop after 30 days from the date the tag is identified. The license plate photograph is uploaded through a secure server to a database managed by the West Virginia State Police (WVSP) which may be queried by specifically authorized law enforcement personnel.

LPR data query in the WVSP system is available to law enforcement agencies for criminal investigation purposes only. Member agency users in the WVSP LPR system also have access to query LPR data in accordance with WVSP policy governing the statewide LPR system. The USMS is dedicated to ensuring the data is managed in such a way as to meet public safety needs while protecting individuals' privacy interests.

QUESTIONS SUBMITTED TO HON. MICHELE M. LEONHART

DRUG ENFORCEMENT ADMINISTRATION

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

INTERNATIONAL DRUG ENFORCEMENT PRIORITIES

*Question.* How would this new capacity target the financial infrastructure of drug trafficking organizations abroad?

*Lead-in information from original document.—*

The Drug Enforcement Administration has agents in 86 countries with resident offices located in 67 countries. DEA's 2016 budget includes a \$12 million increase to enhance financial investigations within the Special Operations Division and the Sensitive Investigative Units.

Answer. DEA's Bilateral Investigations Unit (BIU) is organized into four Regional Groups and a Financial Investigative Team to focus on the financial aspects of the BIU investigations. The BIUs use investigative tools and techniques to disrupt key financial command and control nodes. These tools include reverse money laundering operations; Attorney General Exempted Operations (AGEOs); undercover shelf accounts; moving and monitoring Trafficker Directed Funds; and asset identification/seizure. The BIU is staffed and supported by existing SOD personnel and resources. These extra-territorial enforcement groups play a vital role to investigate, indict, capture, and convict the most significant foreign-based narco-terrorists, drug traffickers, terrorists and transnational criminals that threaten U.S. National Security interests and impact the world's drug supply.

The BIU's four Regional Groups are organized geographically as follows: OSNA (Africa); OSNB (Asia); OSNC (Latin America/Central America/Caribbean); OSNE (Europe). Each Group is comprised of senior Special Agents and Analysts who deploy to foreign locations and conduct highly sensitive proactive criminal investigations. These DEA BIU Groups have produced impressive case results, including the arrests of arms trafficker Viktor Bout and arms trafficker and terrorist Monzer Al Kassar.

Attacking the financial infrastructure of these criminals and their organizations is key to enhancing the BIUs' effectiveness. While the BIUs' efforts to enlist various financial investigative techniques as a means to disrupt key financial command and control nodes have been successful, these efforts have been ad hoc. To increase the BIU's effectiveness, DEA is seeking to establish a Financial Investigative Team (OSNF) comprised of 5 Special Agents, 2 Intelligence Analysts, 1 Program Analyst, and administrative support personnel, to complement the investigations of the BIU Regional Groups. The Financial Investigative Team investigations would be proactive and would enhance current investigations of BIU Regional Groups. The intent is that the Special Agents in the new Financial Investigative Team will support the financial angle of the investigations conducted by the Regional Groups with financial expertise. The Team will focus primarily on the financial networks of investigative targets of a particular regional Regional Group.

*Question.* How would additional funding for Sensitive Investigative Units be used to build upon the current framework of almost 900 participating local law enforcement officers in 13 countries?

*Lead-in information from original document.—*

The Drug Enforcement Administration has agents in 86 countries with resident offices located in 67 countries. DEA's 2016 budget includes a \$12 million increase to enhance financial investigations within the Special Operations Division and the Sensitive Investigative Units.

Answer. The Sensitive Investigative Unit (SIU) Program is a comprehensive international drug enforcement initiative involving 13 countries and over 40 SIU enforcement groups staffed by over 900 host nation local law enforcement officers. SIU participants are able to remain in the program for up to 5 years.

Since the program's inception in four countries in 1996, the SIU has had the same baseline budget of approximately \$20 million per year. DEA's program has become the model for other U.S. law enforcement agencies and ally countries (U.K., France, Germany) operating overseas and has led to expansion into additional countries.

Additional funding will be used to maintain the current framework and capabilities of the 13 Sensitive Investigative Units (SIUs) and participating local law enforcement officers. Specifically, this funding will support the following SIU requirements:

- Recurring maintenance costs*: projected inflationary increases will impact rental payments, building maintenance requirements, and furniture purchases for SIU facilities and safe houses. These facilities are critical for ongoing operations in SIU overseas locations. Additional funding will cover these escalating overhead costs and provide the necessary operational resources for local law enforcement officers assigned to all 13 SIUs.
- Training*: SIU Basic and Advanced training courses are required for all SIU local law enforcement officers. Currently, the average wait time for an SIU Basic Training course is 18–24 months. Additional funding would alleviate a significant backlog of SIU members waiting to complete the required operational and technical training, which would result in the wait time being reduced to approximately 12 months.
- Vetting and program reviews*: all SIU members are required to undergo periodic re-vetting; therefore, additional resources will allow for polygraph testing of these members every 2 years. Additional funding will also support cyclical program reviews necessary to evaluate and monitor SIU facilities, financial management processes, personnel records, physical security, vetting processes, and other administrative procedures.
- Foreign judicial wire intercept maintenance/upgrades*: the SIU Program utilizes foreign judicial wire intercept systems to investigate high-level international criminal and drug trafficking organizations. Additional funding would support essential hardware refreshes for the judicial wire intercept systems located in Colombia, Paraguay, the Dominican Republic, and Panama. Additional funding will also support the enhancement of the judicial wire intercept system in Honduras and the establishment of a new system in Nigeria.
- SIU Net database upgrade*: SIU Net is an automated database/repository used to collect SIU member biographical information, training requirements, significant investigative accomplishments, equipment, and vetting results (polygraph, drug testing, and human rights checks). Additional funding would be used for upgrading the inventory tracking element of the SIU database.

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QUESTIONS SUBMITTED BY SENATOR MARK KIRK

DEA ORGANIZED CRIME GANG UNIT WITHIN THE SPECIAL OPERATIONS DIVISION

*Question.* How does the DEA ensure that resources are directed at this unit?

*Lead-in information from original document.—*

I appreciate the DEA's mission to enforce our Nation's drug laws and fighting gangs of national significance who deal in illegal narcotics is key to that mission. It is my understanding that the Organized Crime: Gangs section within the Special Operations Division (SOD) is the only unit within SOD to concentrate on domestic enforcement.

*Answer.* SOD as a whole supports domestic field enforcement by providing vital information for investigative and enforcement activities directed against major national and transnational trafficking organizations, not just its gang section. SOD's mission is to establish seamless law enforcement strategies and operations aimed at dismantling national and international trafficking organizations by attacking their command and control communications. SOD is able to facilitate coordination and communication among DEA divisions and participating agencies with overlapping investigations and ensure tactical and strategic intelligence is shared between DEA and SOD's participating agencies.

Prior to the merger with SOD in fiscal year 2010, the National Gang Targeting, Enforcement, & Coordination Center (GangTECC) had no dedicated operating budget with which to provide any type of support to investigations. Since coming under the operational direction of SOD, GangTECC has been able to provide increased support to these violent urban organized crime investigations based on SOD's overall funding for operations.

Prior to the merger, GangTECC supported only 100 cases in the three preceding fiscal years combined. Since then, under the operational direction of SOD, it has successfully coordinated several high impact gang operations. In fiscal year 2011, GangTECC supported 102 cases that resulted in 853 gang arrests. Furthermore, in fiscal year 2012, with a broad objective to increase gang arrests by 2 percent over the fiscal year 2011 baseline, GangTECC supported 154 cases that accounted for 891 gang arrests, which represented a 4.4 percent increase in arrests. In fiscal year 2013 with the objective increased to 5 percent, GangTECC supported 187 gang-related investigations that have resulted in 937 arrests; respectively 121 and 105 per-

cent increases over fiscal year 2012 actuals. In fiscal year 2014, GangTECC supported 207 gang-related cases that have yielded 803 arrests.

**GangTECC/Operational Section:** Gangs (OSG) is working closely with the field offices, including State and local law enforcement, in order to identify the complete structure of gang networks. The goal of this strategy is to be able to fully identify the complete picture of the organization and their affiliates—cartel leadership, plaza bosses, the U.S. gatekeeper or “chokepoint” through which the cartels funnel the drugs to the street-level urban crime distribution networks which directly impact local neighborhoods. Specifically, SOD/OSG is focusing its efforts on the most violent of these urban organized crime networks for maximum local impact to the communities; however, as these investigations are multi-pronged and span multiple jurisdictions and countries, OSG conducts these investigations in coordination with multiple sections at SOD and all the domestic field divisions, as well as several foreign offices.

#### CONTROLLED SUBSTANCES ACT

**Question.** Why has the DEA and the Department of Justice not complied with provisions in the Controlled Substances Act, specifically, “The recommendations of the Secretary to the Attorney General shall be binding on the Attorney General as to such scientific and medical matters, and if the Secretary recommends that a drug or other substance not be controlled, the Attorney General shall not control the drug or other substance” (21 U.S.C.A. ss 811 (West))?

*Lead-in information from original document.—*

In January 2011, the Food and Drug Administration (FDA) approved and recommended for decontrol, the imaging agent DaTscan to be used in the medical community to differentiate between essential tremor and Parkinson’s disease. DaTscan inherited its Schedule II controlled status because it contains trace amounts of lofupane, a cocaine derivative. The DEA has refused to decontrol DaTscan despite the FDA’s recommendation.

**Answer.** In November, 2010, the Department of Health and Human Services (HHS) sent to DEA a scheduling recommendation accompanied by a scientific and medical evaluation. HHS recommended that Food and Drug Administration-approved products containing [<sup>123</sup>I]ioflupane (currently, only DaTscan) be removed from schedule II of the Controlled Substances Act (CSA). The facts in support of the HHS recommendation and evaluation required DEA and HHS to collaborate before DEA could move forward with the recommendation. In the interim, DEA published an interim final rule to provide an exemption from registration to persons administering the drug product DaTscan if they are authorized under U.S. Nuclear Regulatory Commission or Agreement State medical use licenses or permits. 79 FR 70085. This rule was intended to alleviate the regulatory burdens on those administering the drug product DaTscan, which means that patients have a greater chance of receiving important diagnostic testing.

After consultations with the HHS regarding its recommendation and evaluation, DEA published on June 3, 2015, a notice of proposed rulemaking in the Federal Register, which proposes to remove [<sup>123</sup>I]ioflupane from schedule II of the CSA. The public comment period for this notice ended on July 6, 2015. In keeping with our commitment to making diagnostic agents available to as many patients as possible, DEA will diligently work towards responding to the comments received in response to the notice and in finalizing the scheduling action.

#### CONTROLLED SUBSTANCES ACT—DaTscan

**Question.** When does the DEA expect to comply with the law and decontrol DaTscan?

*Lead-in information from original document.—*

In January 2011, the Food and Drug Administration (FDA) approved and recommended for decontrol, the imaging agent DaTscan to be used in the medical community to differentiate between essential tremor and Parkinson’s disease. DaTscan inherited its Schedule II controlled status because it contains trace amounts of lofupane, a cocaine derivative. The DEA has refused to decontrol DaTscan despite the FDA’s recommendation.

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HHS recommendation and evaluation required DEA and HHS to collaborate before DEA could move forward with the recommendation. In the interim, DEA published an interim final rule to provide an exemption from registration to persons administering the drug product DaTscan if they are authorized under U.S. Nuclear Regulatory Commission or Agreement State medical use licenses or permits. 79 FR 70085. This rule was intended to alleviate the regulatory burdens on those administering the drug product DaTscan, which means that patients have a greater chance of receiving important diagnostic testing.

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QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

PRESCRIPTION AND SYNTHETIC DRUG ABUSE

*Question.* How is DEA combatting the prescription drug epidemic as well as the domestic distribution of synthetic designer drugs? What trends do you see rising on this front and how are you preparing to deal with them?

*Answer.* According to the 2014 National Drug Threat Assessment (NDTA), the threat from prescription drug abuse is persistent, and deaths involving prescription drug abuse outnumber those involving heroin and cocaine combined. The economic cost of nonmedical use of prescription opioids alone in the United States totals more than \$53 billion annually. Trafficking organizations, street gangs, and other criminal groups, seeing the enormous profit potential, have become increasingly involved in transporting and distributing prescription drugs. The number of drug overdose deaths, particularly from prescription drugs, has grown exponentially in the past decade and has surpassed motor vehicle crashes as the leading cause of injury death in the United States. Rogue pain management clinics (commonly referred to as pill mills) also contribute to the extensive availability of illicit pharmaceuticals in the United States. To combat pill mills and stem the flow of illicit substances, many States are establishing new pill mill legislation.

The Office of National Drug Control Policy's (ONDCP) Prescription Drug Abuse Prevention Plan expands upon the current administration's National Drug Control Strategy and includes action in four major areas to reduce prescription drug abuse: education, monitoring, proper medication disposal, and enforcement. DEA plays an important role in all four of these areas.

*Education*

The Department of Justice (DOJ) focuses on education as a crucial first step in preventing prescription drug abuse. Through its Demand Reduction Program, DEA delivers educational content via its Web sites [www.GetSmartAboutDrugs.com](http://www.GetSmartAboutDrugs.com) and [www.JustThinkTwice.com](http://www.JustThinkTwice.com). These Web sites serve as resources to parents, caregivers, educators, professionals, and teens. DEA also focuses on reducing the demand for illicit drugs, including the abuse of prescription drugs, through its Red Ribbon Week programming, partnerships with other Federal, State, local and non-profit organizations, and numerous publications made available to the general public.

DEA also provides education and guidance to industry professionals such as pharmacists, distributors, and manufacturers by delivering information to registrants, professional associations, and industry organizations on current diversion and abuse trends of pharmaceutical drugs and listed chemicals. DEA also provides information and guidance concerning new and existing programs, policies, legislation, and regulations. DEA's Diversion Control Program establishes and maintains liaison and working relationships with other Federal agencies, State and local governments, regulated industries, industry organizations, professionals, professional associations, and regulatory boards that interface with DEA regarding diversion matters. In fiscal year 2014, DEA conducted more than 75 public education and outreach events regarding prescription drug abuse. Because of the importance of these activities in addressing prescription drug abuse, DOJ has included an Education and Outreach component to DEA's performance measures.

The following reflect the kinds of outreach initiatives undertaken by DEA's Diversion Control Program:

DEA, along with State regulatory and law enforcement officials, and in conjunction with the National Association of Boards of Pharmacy, hosts Pharmacy Diversion Awareness Conferences (PDACs) throughout the country. Each PDAC is held on Saturday or Sunday for the convenience of the pharmacy community. The conferences are developed and designed to address the growing problem of diversion of pharmaceutical controlled substances at the retail level. Topics addressed include pharmacy robberies and thefts, forged prescriptions, doctor shoppers, and illegitimate prescriptions from rogue practitioners, with the objective of educating pharmacists, pharmacy technicians, and pharmacy loss prevention personnel on methods to prevent and respond to potential diversion activity.

During fiscal year 2013, DEA hosted 18 PDACs in eight States. Further, DEA hosted 16 PDACs in eight States during fiscal year 2014. Since DEA began hosting PDACs in 2011, more than 7,648 pharmacy professionals have attended these educational conferences. At this time, there are 16 proposed PDACs in eight States for fiscal year 2015.

The Manufacturers/Importers/Exporters Conference held on June 18–19, 2013, provided a forum to present Federal laws and regulations that affect the pharmaceutical and chemical manufacturing, importing, and exporting industry and to discuss practices to prevent and detect diversion. In addition, topics such as quotas, year-end reporting, Automation of Reports and Consolidated Orders System (ARCOS) reporting, import/export permits and import/export declarations were discussed. Approximately 370 people attended, representing more than 200 registrants. There is a Manufacturers/Importers/Exporters Conference tentatively scheduled for September 2015.

DEA has also held two Distributor Conferences, most recently on April 15–16, 2015, and previously on October 22, 2013. These conferences provided an overview of Federal laws and regulations that affect pharmaceutical and chemical distributors, such as recordkeeping, ARCOS, and suspicious order monitoring.

The National Conference on Pharmaceutical and Chemical Diversion, held September 30 through October 1, 2014, facilitated the exchange of information between DEA and their State and local counterparts who focus on combating the diversion of pharmaceutical controlled substances and regulated chemicals. Over 70 people attended, including individuals from State and local agencies who are responsible for regulatory drug or chemical control as well as operational personnel whose investigations target the diversion of licitly manufactured controlled substances and regulated chemicals.

To better assist DEA registrants with their understanding of the Controlled Substances Act (CSA) and implementing regulations, manuals are drafted and made available to the public. The manuals are not considered legal documents. Readers are instructed to refer to the most current copy of the CSA, the Narcotic Addict Treatment Act of 1974, the Drug Addiction Treatment Act of 2000, the Code of Federal Regulations (C.F.R.), and Federal Register Notices to obtain complete and accurate information. The Chemical Handler's Manual, Pharmacist's Manual, and Practitioner's Manual are available via DEA's Web site.

#### *Monitoring*

One of the best ways to combat the rising tide of prescription drug abuse is through the implementation and use of Prescription Drug Monitoring Programs (PDMPs). PDMPs are typically State-run electronic database systems used by practitioners, pharmacists, medical and pharmacy boards, and law enforcement. These programs are established through State legislation and are tailored to the specific needs of a particular State. PDMPs help prevent and detect the diversion and abuse of pharmaceutical controlled substances, particularly at the retail level where no other automated information collection system exists. However, in many States with operational PDMPs, participation by prescribers and dispensers is voluntary, with utilization rates well below 50 percent.<sup>1</sup> The Brandeis University Center of Excellence developed a PDMP Management Tool, which recommends calculating the number of in-State prescribers with PDMP accounts as a percentage of the number of in-State prescribers who issued controlled substance prescriptions during the prior year. Based on this calculation, for example, in Florida just 18 percent of the in-State prescribers who issued more than one controlled substance prescription have registered to use the database (11,408 in-State prescribers signed up for PDMP accounts, out of the 62,238 in-State prescribers who issued controlled substance prescriptions during the prior year).

<sup>1</sup>The Brandeis University PDMP Center of Excellence, retrieved 12/18/14 <http://www.pdmpexcellence.org/content/mandating-medical-provider-participation-pdmps>.

While PDMPs are valuable tools for prescribers, pharmacists, and law enforcement agencies to identify, detect, and prevent prescription drug abuse and diversion, PDMPs do have some limits in their use for detecting diversion at the retail level. For example, the use of PDMPs is limited across State lines because interconnectivity remains a challenge; at the same time, as many drug traffickers and other drug seekers willingly travel hundreds of miles to gain easy access to unscrupulous prescribers and dispensers.

#### *Proper Medication Disposal*

Prior to the passage of the Secure and Responsible Drug Disposal Act of 2010, enacted in October 2010 (Public Law 111-273) (Disposal Act), the CSA provided no legal means for ultimate users to transfer possession of controlled substance medications to other individuals for disposal. The Disposal Act amends the CSA to authorize ultimate users and Long Term Care Facilities (LTCFs) to deliver controlled substances to another authorized person for the purpose of disposal in accordance with regulations promulgated by DEA.

On September 9, 2014, DEA published in the Federal Register the final rule on the Disposal of Controlled Substances. The final rule became effective on October 9, 2014, and it implements the Disposal Act by establishing requirements that allow authorized registrants to develop secure, ongoing, and responsible methods for ultimate users and LTCFs to dispose of pharmaceutical controlled substances. The final rule expands the options available to collect controlled substances from ultimate users for the purpose of disposal, including (1) take-back events; (2) mail-back programs; and (3) collection receptacle locations. These regulations contain specific provisions that:

Recognize the continuing authority of law enforcement agencies to voluntarily conduct take-back events, administer mail-back programs, and maintain collection receptacles; Allow authorized manufacturers, distributors, reverse distributors, narcotic treatment programs, hospitals/clinics with an on-site pharmacy, and retail pharmacies to voluntarily administer mail-back programs and maintain collection receptacles; and Allow authorized retail pharmacies and hospitals/clinics with an on-site pharmacy to voluntarily maintain collection receptacles at LTCFs.

In addition, DEA conducted nine Prescription Drug Take-Back Days from September 2010 to September 2014. Each take-back day provided the public with thousands of sites nationwide to turn in their unwanted or expired prescription drugs safely and securely. On September 26, 2014, the most recent National Prescription Drug Take-Back Day, 617,150 pounds (309 tons) of prescription medications were collected from members of the public. As a result of all nine National Prescription Drug Take-Back Days, DEA, in conjunction with its State, local, and tribal law enforcement partners, removed a total of just under 4.9 million pounds (2,411 tons) of medications from circulation. Although law enforcement continues to have discretion with respect to take-back events, DEA intends to conduct another nationwide take-back event during September 2015 to provide additional options for the safe and responsible disposal of unused medications. The new final rule on the Disposal of Controlled Substances provides the public with expanded options to safely and responsibly dispose of their unused and unwanted, lawfully-possessed pharmaceutical controlled substances through collection receptacles and mail-back packages. This rule allows for ongoing medication disposal, thereby ridding the home of unused or unwanted drugs that pose a poisoning hazard or can be diverted.

#### *Enforcement*

DEA's Diversion Control Program is using all criminal and regulatory tools possible to identify, target, disrupt, and dismantle individuals and organizations responsible for the illicit manufacture and distribution of pharmaceutical controlled substances in violation of the CSA. The deployment of Tactical Diversion Squads (TDS) is DEA's primary method of criminal law enforcement in the Diversion Control Program. The recent expansion of the TDS program has resulted in 66 operational TDSs throughout the United States, covering 41 States, Puerto Rico and the District of Columbia. These TDSs incorporate the enforcement, investigative, and regulatory skill sets of DEA Special Agents, Diversion Investigators, other Federal law enforcement, and State and local Task Force Officers. In fiscal years 2013 and 2014, the TDS Groups collectively seized \$60.7 million and \$51.4 million in assets, respectively.

The expansion of the TDSs has enabled the Diversion Groups to concentrate on the regulatory aspects of the Diversion Control Program. DEA has increased the frequency of compliance inspections of specific registrant categories such as manufacturers, distributors, importers, exporters, narcotic treatment programs, DATA-waived practitioners, researchers, and chemical handlers. In fiscal year 2014, DEA

entered into several civil settlement agreements with registrants totaling over \$13.5 million. The various regulatory investigations involved distributors, pharmacies, and practitioners who were found to be in violation of the CSA and its implementing regulations.

*Synthetic Drugs*

DEA continues to issue permanent and temporary scheduling orders to place emerging synthetic drugs that pose a threat under Schedule I control. DEA has also dedicated significant resources to support prosecution at the Federal level for the manufacturing and trafficking of synthetic drugs and controlled substance analogs, by providing scientific and legal support to U.S. Attorneys throughout the United States.

The two most common categories of these synthetic drugs are synthetic cannabinoids and synthetic cathinones.

Synthetic cannabinoids (sometimes sold under brand names such as K2 or Spice) continue to be drugs of considerable concern. These depressant/hallucinogenic drugs are primarily sourced from China. Synthetic cannabinoid substances are typically packaged in the U.S., and marketed over the Internet, or supplied to retail distributors before being sold to the public at retail stores (e.g., "head shops," convenience stores, gas stations, and liquor stores). Laws governing the legality of the substances vary widely between States and the chemical components are frequently altered, making it difficult for DEA to schedule the substances.

Synthetic cathinone substances fall under the phenethylamine class of stimulant/hallucinogenic drugs, and are marketed as "bath salts" or "glass cleaner," among other street names. These substances are often labeled "not intended for human consumption" as a false means to defend against the Government's utilization of the Federal Controlled Substance Analogue Enforcement Act.

The DEA Office of Diversion Control continuously evaluates non-controlled synthetic designer drugs for scheduling. Since 2009, more than 300 new synthetic compounds from 8 classes of drugs have been encountered in the United States.

Internationally, DEA engages the countries where synthetic designer drugs are being produced at a bilateral level through DEA's Country Attachés. The DEA is also an active and leading participant in the United Nations' Office on Drugs and Crime, International Narcotics Control Board (INCB). The INCB recently created the Project International Operations on New Psychoactive Substances (NPS) Task Force which targets New Psychoactive Substances. At the first operational meeting, members from 16 different countries participated, including China, which provided over 2,000 investigative leads to the participants of this meeting as well as 40 other countries where synthetic designer drugs were sent.

DEA is actively engaged through the Department of State in the annual meeting at the United Nations' Commission on Narcotic Drugs. At the 2014 meeting, the U.S. Government sponsored a resolution titled "Enhancing international cooperation in the identification and reporting of new psychoactive substances and incidents involving such substances." This resolution will assist U.N. member states to address the issue of synthetic designer drugs.

METH LABS

*Question.* I understand that meth labs play a significant role in crime in Arkansas and there has been a substantial increase in the number of them in the United States. What are the trends you are seeing in domestic meth lab cases and how is that affecting your budget requirements?

*Answer.* Overall, most of the methamphetamine available in the United States is clandestinely produced in Mexico and smuggled across the Southwest Border, where methamphetamine seizures continue to increase. The Combat Methamphetamine Epidemic Act succeeded in reducing "super labs" (those that produced 10 pounds or more). Currently, most methamphetamine labs found in the U.S. are small "one pot" labs that produce less than 2 ounces. However, it has been difficult to easily identify and stop those individuals who purchase the legal limit of pseudoephedrine combination products and sell it to domestic clandestine "one pot" meth manufacturers, a practice known as "smurfing."

Arkansas has passed laws, the most recent in 2012, controlling the sales of ephedrine and pseudoephedrine within the State. In order to purchase these precursors in the State, an Arkansas license or Military identification is required. This requirement is expected to ensure that border State "smurfers" and methamphetamine manufacturers will be unable to travel to Arkansas to purchase precursors. Additionally, it eliminates some problems from the use of false identification for pseudoephedrine purchases. This law also requires pharmacists to exercise profes-

sional judgment in dispensing pseudoephedrine and establishes a searchable database of purchase records.

Another trend involves Mexico-based methamphetamine trafficking organizations smuggling liquid methamphetamine into the United States. The term "liquid methamphetamine" refers to finished methamphetamine that has been dissolved in a liquid solvent or methamphetamine-in-suspension. The smuggling methods include concealing the solution in vehicle batteries, gasoline tanks, windshield wiper reservoirs, liquor bottles, laundry and antifreeze containers, and flavored water bottles. Once inside the U.S., the liquid is transferred to "processing personnel" who initiate the recrystallization process by mixing it with a solvent such as acetone and exposing the liquid methamphetamine to air for a prescribed period of time. Approximately four pounds of crystallized methamphetamine can be obtained from one gallon of liquid methamphetamine. The laboratories are often located in single-family residences and used solely for the recovery process. Due to the flammability of the fumes emitted by the solvent, the recovery personnel cover outlets and light switches with tape to avoid sparks that could ignite the fumes and cause an explosion. The conversion process can take approximately 2 days for completion. These conversion labs are more difficult to identify than typical methamphetamine labs because the same characteristic odors are not emitted. Conversion labs use acetone, a common solvent easily available for purchase at most home improvement stores.

The annual operating cost for meth lab cleanup has been reduced by 51 percent since fiscal year 2010 due to the fact that 18 States have begun using the Authorized Central Storage Container (ACSC) program. Through the ACSC program, State and local authorities remove the hazardous waste from the clan lab sites and transport it to an ACSC location. The waste is then safely stored in the containers until it can be removed by an authorized DEA vendor for ultimate destruction. In fiscal year 2014, DEA reduced the annualized cost of the nationwide hazardous waste cleanup program by \$2.0 million through continued expansion of the Container Program.

#### ASSET FORFEITURE FUND FUNDING TO DEA AND STATE AND LOCALS

*Question.* How important is the Asset Forfeiture Fund to DEA as well as to State and local law enforcement?

*Answer.* The Assets Forfeiture Fund (AFF) is a vital resource to DEA, both as a law enforcement tool and a funding resource. As a law enforcement tool, the AFF enhances public safety and allows DEA and our State and local counterparts to disrupt and dismantle criminal enterprises by removing the proceeds of crime. Without the removal of these assets, criminal enterprises would continue to grow and flourish, even if the perpetrators are convicted and imprisoned.

From a resource perspective, the AFF provides DEA with funding authority to maintain its Asset Forfeiture Program, and to enhance DEA's most vital investigative competencies. DEA's wire intercept (Title III) and State and Local Task Force (S&L TF) Overtime programs are examples that are largely or wholly funded by the AFF. Any reductions to the DEA AFF budget will diminish funding for mission critical programs and operations and will reduce DEA's ability to weaken criminal organizations.

Drug trafficking organizations skillfully use advanced communications technology to plan, coordinate, and execute criminal activities. Wire intercepts have proven to be one of law enforcement's best tools to disrupt and dismantle criminal entities and pursue the forfeiture of assets. Wire intercepts are also a valuable tool in criminal and civil court proceedings. Wire intercepts often provide the quality of evidence that is necessary for presentation in court proceedings. Further, once a defendant learns that DEA used wire intercepts in an investigation, the defendant usually agrees to a plea deal. The financial operations of a criminal organization are increasingly used in affidavits as part of the probable cause for initiating a wire intercept. As a result, the wire intercept plays an integral role in the process of targeting the financial infrastructure of sophisticated, highly organized drug trafficking groups.

The State and Local Task Force Overtime program is also vital to DEA's overall law enforcement efforts and is paid for by the AFF. S&L Task Force Officers (TFOs) constitute approximately 30 percent of the DEA workforce and are essential to the mission of the agency. DEA task forces were responsible for 21 percent of all DEA cases in fiscal year 2014, 33 percent of all arrests, and 21 percent of all disruptions and dismantlements. At times, these cases provide leads to many of our biggest national and international Priority Target Organization (PTO) and Consolidated Priority Organization Targets (CPOT) linked investigations, many of which focus on crippling the Mexican drug cartels. Additionally, these cases can develop into major

Southwest Border and the Organized Crime Drug Enforcement Task Forces (OCDETF) cases that are the Department's highest priorities. Further, losing the contribution of these TFOs would equate to an estimated \$162.5 million less in revenue denied and \$102.5 million less in contributions to the AFF.

DEA's El Paso Intelligence Center (EPIC) Financial Intelligence Group includes a Bulk Currency Team that supports active investigations to locate assets (bulk drug currency, other illicit currency, vehicles, real property, etc.) owned or controlled by traffickers and other criminal elements for possible seizure and forfeiture. Without the support and funding of the AFF, EPIC would need to reduce support for these investigations, many of which involve State and local law enforcement working with DEA.

Without the AFF, DEA would need to significantly reduce its support of programs such as Title III and State and Local Overtime. These programs directly impact DEA's ability to disrupt and dismantle major drug trafficking supply organizations and their networks. The AFF also allows DEA to strengthen partnerships with DEA's domestic law enforcement counterparts to maximize the impact of its operations.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

DEA SURVEILLANCE TECHNOLOGY

*Question.* Under the DEA's current policies relating to the use of cell-site simulators, how many times has the DEA employed such a device without prior court approval, and what were the reasons for doing so? What is the policy regarding retention of data?

*Lead-in information from original document.—*

Recent media reports have raised questions about Federal law enforcement's use of sophisticated surveillance technology, like cell-site simulators and license plate reading cameras, to track suspects historically and in real-time. Although I appreciate the potential value of this technology to law enforcement, I am concerned about the potential impact on the privacy rights of innocent Americans.

*Answer.* The Department is committed to using all law enforcement resources in a manner that is consistent with the requirements and protections of the Constitution and other legal authorities, and with appropriate respect for privacy and civil liberties. We are likewise committed to ensuring that the Department's practices are lawful and respect the important privacy interests of the American people.

The Department's law enforcement components have provided multiple briefings to Congressional Oversight Committee staff, and would be willing to provide additional briefings as requested. The briefings from earlier were held to provide the requested information about certain sensitive law enforcement tools and techniques while avoiding making public the use of any specific, sensitive equipment and techniques that may be deployed in furtherance of law enforcement missions. Doing so could expose our capabilities and limitations in this area to criminal targets. Although we cannot discuss here the specific equipment and techniques that we may use, we can assure you that to the extent the Department's law enforcement components deploy certain technologies in investigations, we are committed to using them consistent with the Constitution and with Federal law. Finally, the Department is in the process of examining its policies to ensure that they reflect our continuing commitment to conducting its vital missions while according appropriate respect for privacy and civil liberties.

*Question.* Since 2001, how many cell-site simulators has the DEA purchased or obtained from another government agency? What has been the cost, per year, for the acquisition, maintenance and deployment of the DEA's cell-site simulators?

*Lead-in information from original document.—*

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*Question.* Does the DEA maintain its own license plate reader database? If so, how long has the database been operational and what are the policies and procedures in place that govern the collection and use of the data? How many cameras are in the network? What other law enforcement agencies, if any, have access to this database?

*Lead-in information from original document.—*

Recent media reports have raised questions about Federal law enforcement's use of sophisticated surveillance technology, like cell-site simulators and license plate reading cameras, to track suspects historically and in real-time. Although I appreciate the potential value of this technology to law enforcement, I am concerned about the potential impact on the privacy rights of innocent Americans.

*Answer.* DEA's National License Plate Reader Program (NLPRP) is a law enforcement system designed to enhance the ability of law enforcement agencies to interdict drug traffickers, money launderers, and other criminal activities in high drug and money trafficking corridors and on other public roadways throughout the United States. The NLPRP was first deployed by DEA in 2008 as an additional tool to help counter drug and money laundering threats prevalent on the Southwest border. It is designed to support the investigation and prosecution of drug trafficking organizations who covertly transport controlled substances and cash over land routes. NLPRP information can only be accessed in conjunction with authorized law enforcement investigative activity. LPRs have been used to successfully capture fugitives, seize proceeds of crime, and intercept and seize large shipments of illegal narcotics such as marijuana and cocaine.

As discussed in a February 13, 2015, briefing with Senate Judiciary Committee staff, the information collected with a LPR is limited to photographic imagery obtained in a non-invasive, public manner along public roadways. The images capture only information that individuals present to the public. It is important to note that the system does not track people, personally identifiable information, or vehicles. The NLPRP is designed to contain transactional data only, which consists of the license plate number, State, location, date, time, and direction of travel. The information collected is intentionally stored in a manner to prevent it from being used for data mining or pattern analysis. The data remains available in the system for 90 days, after which time it is automatically purged from the system.

As noted above, NLPRP information can only be accessed in conjunction with an authorized law enforcement investigative activity. Requests to access NLPRP collected information can only be made by vetted Federal, State, or local law enforcement personnel. Vetted personnel require supervisory approval prior to being given access to the system, and those making an inquiry must provide a law enforcement nexus to support their inquiry.

Approved law enforcement personnel with access to the NLPRP also have the ability to put a tactical alert on a license plate related to a vehicle suspected to be involved with criminal activity. Tactical alerts permit users to enter a license plate and receive notification within 30 seconds of that plate recording a transaction on LPRs within the system. This near real-time capability provides an opportunity for a tactical law enforcement response to specific investigative or operational situations. The alert notification also promotes data sharing within the law enforcement community and serves as a de-confliction tool. As with other NLPRP queries, a law enforcement nexus must be provided prior to the tactical alert being placed on a license plate. Over the last year, approximately 5,400 tactical alerts have been placed in the NLPRP.

As discussed with your staff, the NLPRP has a variety of technical security measures in place such as firewalls, trusted network architecture, Security Technical Implementation Guidelines, and safeguards against cyber-attacks. Furthermore, the

NLPRP has a variety of procedural and policy measures in place for users, including: account inactivity expiration at 90 days; failed access attempt count lockout; legal policy acceptance; required use of case numbers and/or reason for query; user activity logging and auditing; and controlled access offered only to vetted law enforcement. Finally, the NLPRP's design provides data protection measures to minimize the risk that any abuse or misuse of the system takes place, to include no support for searches other than on specific law enforcement targets, no support for data mining or pattern matching, and mandatory information collection such as reasons for queries and/or case numbers.

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QUESTIONS SUBMITTED TO HON. B. TODD JONES

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

FERTILIZER DISTRIBUTION FACILITY FIRE AND EXPLOSION INVESTIGATION

*Question.* As we approach the 2-year anniversary of this tragic event, please estimate when the investigation will be complete and when findings and recommendations may be released.

*Lead-in information from original document.—*

ATF testified about the on-going investigation into the fire and explosion that occurred at a fertilizer distribution facility in West, Texas, on April 17, 2013.

*Answer.* The investigation of the West, Texas fertilizer facility fire and explosion remains ongoing. ATF is working closely with the Texas State Fire Marshal, the agency with primary jurisdiction over the incident, to identify the cause and origin of the fire and explosion, and to make overall findings and recommendations. ATF's role includes providing technical analysis and expertise through the ATF Fire Research Laboratory (FRL) in Ammendale, Maryland, and jointly reviewing documentary evidence with the Fire Marshal's office in Texas. ATF, the Texas State Fire Marshal and other participants are working diligently to complete the investigation as soon as practicable. Due, however, to the complexity of the required technical analysis and the volume of records under review, it is highly unlikely that final findings and recommendations will be completed before the end of fiscal year 2015.

*Question.* If ATF does not anticipate completing the investigation and releasing the findings this fiscal year, please provide the reasons for the delay.

*Lead-in information from original document.—*

ATF testified about the on-going investigation into the fire and explosion that occurred at a fertilizer distribution facility in West, Texas, on April 17, 2013.

*Answer.* As noted, the complexities of the investigation are the primary variable impacting the timeline for its completion. In light of the massive devastation of the facility that resulted from the explosion, recreation of scene characteristics for testing has been time consuming. At the end of February, ATF completed large-scale tests that involved recreating the walls and ceilings in a possible area of origin for the fire. These large-scale tests enhanced the understanding of expert analysts regarding the potential for flame spread from this area to other areas in the building. The flame spread and heat release rates measured from these tests are being used as input for computer models that predict the spread of smoke and heat from the fires into the rest of the structure. Testing is also being conducted to measure the flammability properties of the materials in the fires. These materials tests are used as input to the computer models. The testing and modeling that has been completed to date has provided the information necessary to conduct a final phase of testing aimed at identification of the causation of the original fire. This final phase of testing will involve computer modeling and multiple experiments in a full scale re-creation of the seed room (the area of origin). Construction for these full scale tests started at the end of February. Our final analysis will combine the results of the fire tests with computer modeling to develop a comprehensive understanding of the fire event. The results of this testing and modeling will be crucial to obtaining accurate and complete findings and recommendations. ATF anticipates completing this final phase of testing by August 2015. Once the final testing takes place, the data will be analyzed over the next several months. With respect to investigation other than the testing and analysis at the FRL, ATF and the Texas State Fire Marshal are currently reviewing thousands of pages of documents that have become available as the result of ongoing civil court cases related to the fire. These documents

include reports generated by private sector fire science experts and depositions of West Fertilizer employees and other witnesses, the information gleaned from these documents may also provide information essential to reaching complete and thorough final findings and recommendations.

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QUESTIONS SUBMITTED BY SENATOR MARK KIRK

NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK

*Question.* How does ATF plan to disrupt violent crime using NIBIN into areas of the country that have minimal resources but high levels of gang members and gun crime?

*Lead-in information from original document.—*

This subcommittee has highlighted and prioritized the expansion and use of the National Integrated Ballistics Information Network (NIBIN) in order to enhance the ATF's ability to collect, report, and share ballistics intelligence with Federal, State, and local law enforcement partners to disrupt violent criminal activity. Last year, I toured the impressive Crime Gun Center in Chicago that utilizes NIBIN technology.

*Answer.* As part of its implementation of regionalized Crime Gun Intelligence Centers (CGIC), ATF has integrated NIBIN into a comprehensive strategy to combat violent crime. CGICs synthesize all available intelligence related to crime guns in the serviced area (e.g., NIBIN, crime gun trace data, suspect information, cooperating source information, and acoustic location data), thus allowing ATF and its partners to target deployment of resources in the community where they are most needed and effective in combatting firearm violence.

In instances where access to NIBIN is not readily available in individual communities, ATF provides access to NIBIN through its three ATF laboratories. Mechanisms to provide regional NIBIN access include providing funding or other resources for transportation of evidence to the laboratory for entry and analysis. These efforts are aimed at providing broad, cost-effective access to communities currently without NIBIN equipment while ATF pursues options for funding direct access for additional communities.

*Question.* Can the ATF highlight the success of NIBIN in getting shooters out of our neighborhoods?

*Lead-in information from original document.—*

This subcommittee has highlighted and prioritized the expansion and use of the National Integrated Ballistics Information Network (NIBIN) in order to enhance the ATF's ability to collect, report, and share ballistics intelligence with Federal, State, and local law enforcement partners to disrupt violent criminal activity. Last year, I toured the impressive Crime Gun Center in Chicago that utilizes NIBIN technology.

*Answer.* Many cases highlight how NIBIN has been utilized to identify shooters who terrorize communities. In Denver, Colorado, for example, shell casings matched through NIBIN have helped lead to at least 35 arrests in more than 50 shootings in the last 2 years. Federal firearms offenses have been filed against 13 of these individuals, and five others have had their parole revoked.

One of the Denver investigations demonstrates how NIBIN assists law enforcement in linking and solving seemingly unrelated shootings. In that case, police were investigating three separate shootings. The first shooting occurred when a woman encountered a burglar attempting to break into her home and threatened to call police. The perpetrator then fired a shot through the woman's dining room window. A short time later, during another home invasion, a perpetrator fired another shot while breaking into the home. Officers collected the spent shell casings from both scenes and entered them in NIBIN. Two days later, during the investigation of a street fight in which several shots were fired in the altercation, investigating officers recovered six expended shell casings. The NIBIN analysis of the shell casings recovered in all three of the shootings revealed that the same gun had been used in each crime. This information allowed investigators to identify and arrest a suspect who is now pending trial.

A second recent example involved the shooting investigation of two Police Officers in Ferguson, Missouri. NIBIN played a crucial role in the investigation by linking the firearm used in the shooting with the suspect. This individual has now been charged with the attempted murder of two police officers. These examples illustrate

the value of NIBIN in identifying, apprehending and prosecuting criminals involved in firearms violence in communities across our Nation.

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QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

VIOLENCE REDUCTION NETWORK

*Question.* As a response to the violent crime in Little Rock and West Memphis, Arkansas, and I understand that both are potentially to be named a VRN (Violence Reduction Network) site. Would you support that initiative? Would there be enough agents in Arkansas to support this initiative and maintain the daily operational mission?

*Answer.* The Department of Justice's Office of Justice Programs, Bureau of Justice Assistance (BJA) makes final determinations as to sites included in the Violence Reduction Network (VRN). The new sites will be announced on September 29, 2015 at the VRN Summit in Detroit, Michigan. ATF closely coordinates with BJA and other VRN partners in evaluation of potential sites, which includes an assessment of available resources from participating agencies. ATF believes the VRN is a valuable asset to combat and reduce violent crime and is supportive of expanding VRN sites. With respect to the potential expansion of the VRN to Little Rock and West Memphis, ATF defers to BJA's overall assessment. ATF notes that expansion of VRN locations does not necessarily entail redeployment of agent resources, as the VRN focuses on identifying creative solutions that support local law enforcement efforts to reduce violent crime without straining existing Federal capacity. That said, ATF agent resources within the Little Rock Field Office that also supports the West Memphis area are currently operating at full capacity.

NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK

*Question.* What are the benefits of NIBIN (National Integrated Ballistic Information Network)? Is NIBIN effective in Arkansas and how? Is NIBIN owned by ATF and where do you see the future of this technology going?

*Answer.* *What are the benefits of NIBIN?*—NIBIN is a system of computer hardware and software coupled with a database which is employed to acquire, transmit, store, compare, and retrieve digitized images of firearms evidence (shell casings and projectiles). It is the only interstate, automated ballistic imaging network in the United States, and is available through more than 150 sites around the country to most major population centers. ATF's NIBIN program integrates the technological capabilities of the system with other investigative tools to expand its use beyond forensic comparison and matching. NIBIN is a key component of ATF's Crime Gun Intelligence Centers, which integrate NIBIN, crime gun tracing and other investigative tools to identify, target, and prosecute shooters and their sources of crime guns. NIBIN allows participating partners to conduct local, regional and national searches of recovered firearms evidence to quickly establish links between violent crimes—including links that would have never been identified without this technology.

A NIBIN hit report provides law enforcement with immediate tactical leads and longer term strategic intelligence to assess gun crime patterns. Tactical leads include matching "hits" to link separate incidents to the same crime gun, often allowing investigators to quickly identify suspects and undertake immediate enforcement action—preventing additional firearm violence by "trigger-pullers."

Longer term strategic analysis of NIBIN data allows an understanding of patterns underlying firearm violence such as gun sharing within and among criminal groups and sources of illegally trafficked firearms.

*Is NIBIN effective in Arkansas and how?*—In 2013, ATF provided a number of resources (both in personnel and training) to the Arkansas State Crime Lab and Little Rock Police Department. ATF's objective was to ensure that both the crime lab and police department could fully take advantage of NIBIN and Firearms trace data to better serve the citizens of Arkansas.

Specifically, ATF sent

- One specialist from the Atlanta Laboratory Center to train the Little Rock P.D. as well as several other local police departments and Arkansas Crime Lab personnel on the new ATF-funded, state-of-the-art Brasstrax unit.
- One specialist to perform the evidence entries at the Little Rock Police Department in order to alleviate a massive backlog of evidence.
- Several Special Agents to conduct test firing of crime guns at the Little Rock P.D. evidence vault.

—Several special agents from the Firearms Trafficking Branch to Little Rock P.D. to facilitate comprehensive crime gun tracing of all firearms recovered by the Little Rock P.D.

*Is NIBIN owned by ATF and where do you see the future of this technology going?*—ATF is the sole owner of the NIBIN digital image database.

ATF is continuously seeking new and innovative ways to both capture crime gun intelligence and better analyze this data to the benefit of law enforcement—including a means for portable acquisitions via smaller and lighter Brasstrax hardware, and an algorithm that further narrows down the correlation times on crime gun comparison.

#### ATF FIRE INVESTIGATIONS

*Question.* I understand ATF worked the tragic Annapolis fire scene earlier this year. Can you discuss ATF's role in fire investigations, and how can our local fire investigators in Arkansas utilize your expertise?

Answer. ATF Certified Fire Investigators (CFI) are highly trained special agents who provide technical support, analysis, and assistance to ATF and its State and local partners in fire origin and cause determination, forensic fire scene reconstruction, and arson investigation. CFI's complete a 2-year training program that includes fire origin and cause determination, fire dynamics, fire modeling, building construction, electricity and fire causation, health and safety, scene reconstruction and evidence collection. The program relies on rigorous training, education, and experience to qualify agents to testify as expert witnesses in the field of fire origin and cause. ATF CFI's are the only Federal law enforcement officers within the Department of Justice who are qualified to render opinion testimony as to fire origin and cause.

CFIs investigate fires with a Federal nexus, and as seen in Annapolis, Maryland, assist State and local partners in the investigation of large scale incidents. ATF routinely deploys CFIs and veteran special agents, certified explosives specialists, forensic mapping specialists, accelerant and explosives detection canine teams, explosives enforcement officers, fire protection engineers, electrical engineers, and forensic chemists to assist state and local departments with large scale fire scenes that exceed the scope of what the local authorities can manage with their available resources.

Through its CFI program, ATF has a long-standing, very close working relationship with fire departments across Arkansas. ATF currently has one special agent/CFI stationed in Little Rock. This CFI is fully engaged with numerous fire departments and law enforcement agencies across the State. In addition, ATF is in the process of providing the Arkansas State Police with an ATF-trained Accelerant Detection K-9 team to support the State's fire investigative resources. ATF also routinely deploys, as needed, CFIs from contiguous States into Arkansas to support investigations and provide training.

ATF has deployed additional resources into Arkansas to support large scale incidents and fires on numerous occasions over the past several years. Notable investigations include:

- 2013.—During a rash of incendiary fires, ATF formed an Arson Task Force with Little Rock Fire Investigators to investigate a serial arsonist. The suspect was arrested by ATF and plead guilty to violations of Title 18, U.S.C. 844, and received a 10 year Federal sentence.
- 2013.—ATF's National Response Team (NRT) assisted in the investigation of the First Baptist Church in Highland Park. The fire was ruled undetermined.
- 2010.—An ATF CFI assisted the Bella Vista Fire Department in the investigation of a fire that claimed the lives of all five members of a family. The cause of the fire was determined to be accidental.
- 2008.—An ATF CFI assisted the Bentonville Fire Department in the investigation of a fire that claimed the lives of five children ranging in age from 5–13 years old. The fire was ruled undetermined.

#### LOCAL PARTICIPATION IN THE eTrace PROGRAM

*Question.* How do you promote local participation in the eTrace program?

Answer. ATF's primary method of promoting the use of eTrace occurs on a local level in each ATF Field Division, particularly during the course of joint investigations. ATF understands that the best way to educate law enforcement agencies about the benefits of eTrace and firearms tracing is to have those agencies see successful results from use of the system in their own investigations. Promoting universal tracing through eTrace is also a cornerstone of ATF's Frontline business model. Use of eTrace is an essential component of the enhanced enforcement operations (also

known as “surges”) that ATF conducts annually under Frontline. As part of each enhanced enforcement operation, ATF ensures that participating local law enforcement agencies have entered an eTrace system Memorandum of Understanding (MOU), and have been adequately trained in the use of eTrace. Additionally, the National Tracing Center (NTC) dispatches a team to each enhanced operation site to conduct refresher training and to assist law enforcement agencies in the entry of any backlog of untraced recovered crime guns into the eTrace system; entry of all recovered crime guns provides ATF and local partners with a baseline to help define the local crime gun problem, including the identification of illegal sources of firearms and the identity of illegal traffickers.

ATF also promotes eTrace through technological enhancements to the system. For example, in fiscal year 2014, ATF added a collective data sharing capability to the eTrace system; this improvement allows agencies within the same State to share trace data. Throughout fiscal year 2014, ATF deployed NTC personnel to conduct briefings and training about this new eTrace capability. The enhanced capability yielded immediate benefits; in fiscal year 2014 the NTC received the highest number of trace requests ever, 364,441, an increase of more than 22,000 requests from fiscal year 2013.

#### FEDERAL FIREARMS LICENSEES (FFL) INSPECTION PROTOCOL

*Question.* There is this implied philosophy among ATF Investigators where they have this “gotcha” attitude toward FFL inspections. Is this agency protocol?

*Answer.* ATF investigators, managers and executives strive to promote compliance rather than adverse findings during inspections, and often work with industry members when possible to encourage dialogue and seek reasonable remedies where appropriate. ATF industry operations investigators (IOIs) conduct inspections of FFLs to ensure compliance with the law and regulations and to educate licensees on the specific requirements of those laws and regulations. If violations are discovered during the course of an FFL inspection, the tools that ATF has available to guide the FFL into correction of such violations and to ensure future compliance include issuing a report of violations, sending a warning letter, and holding a warning conference with the industry member. Despite these actions, on rare occasions ATF encounters a licensee who fails to comply with the laws and regulations and demonstrates a lack of commitment to improving his or her business practices. In such cases where willfulness is demonstrated, ATF’s obligation to protect public safety may require revocation of the FFL.

IOIs are trained to provide fair and consistent treatment to industry members. Performance ratings, awards, or other incentives are not based on numbers of violations cited or inspections recommended for administrative action. In fiscal year 2014, ATF conducted 10,429 firearms compliance inspections. Of these inspections:

- 48 percent resulted in no violations cited.
- Less than 1 percent were revoked.
- Less than 1 percent surrendered their license in lieu of revocation.
- 13 percent were issued a Report of Violations.
- 13 percent received a warning letter.
- 6 percent resulted in a warning conference.
- 19 percent were found to be out-of-business, etc.

#### ATF MODERNIZATION

*Question.* What does your modernization philosophy entail? What techniques or technology are you exploring?

*Answer.* *What does your modernization philosophy entail?*—ATF’s modernization philosophy entails implementing a Business Process Management System (BPMS), which involves replacing ATF’s aging case management system and streamlining other information systems. BPMS technology will better support ATF’s mission by implementing paperless workflows, increasing accountability, and providing more timely and complete performance feedback to ATF Leadership, thus allowing ATF to better to gauge the results of its regulatory and criminal enforcement efforts.

*What techniques or technology are you exploring?*—ATF is exploring a variety of BPMS tools, which are commercial-off-the-shelf (COTS) software products. BPMS tools will provide ATF with the ability to more quickly adapt to new laws, regulations, and DOJ/ATF policies, while creating efficiencies in workflow, mission objectives and performance accountability.

## MARTINSBURG FACILITY AND THE NATIONAL FIREARMS ACT BACKLOG

*Question.* I see that you are requesting \$8 million to expand the Martinsburg Facility. How will this be utilized and will it reduce the National Firearms Act backlog?

*Answer.* \$8.1 M will expand capacity for the Martinsburg Facility through investment in the following additional resources:

- The hiring of an additional ten (10) Legal Instrument Examiners (FTEs). These examiners will support the analysis and processing of applications for registration of weapons as required by the National Firearms Act (NFA).—Total investment: \$635,000.
- NFA Processing support (FTE overtime and an additional 20–30 contract research assistants).—Total investment: \$2.5 million.
- Equipment, IT Support and contract staff.—Total investment: \$5 million.
- Specific includes:
  - \$2.0 million.—Digital Imaging scanner, software and hardware (primarily storage) to improve ATF's capacity to digitally image and store Out-of-Business Records (OBR). This includes conversion and storage of electronic OBR in accordance with policy and law.
  - \$750,000.—eTrace. Ongoing maintenance and development enhancements to sustain and improve the systems performance.
  - \$2.25 million.—Current Imaging software (Captiva) upgrades for two high speed scanners. ATF receives an average of 1.2 million OBR per month. ATF currently uses two high speed scanners to digitally image those records. The Captiva upgrades will replace out of date software used by the scanners that has not been supported for over 6 years.

In fiscal year 2014 the National Firearms Act Branch (NFA) received over 221,000 new applications, reaching a peak of 81,000 pending applications in February 2014. In addition, the NFA processed about 236,000 applications in total utilizing current staffing and significant overtime. In fiscal year 2015, it is anticipated that NFA will receive over 276,000 new applications, and that existing staffing and similar overtime allocations will permit the processing of approximately 292,000 applications. In fiscal year 2016, it is estimated that the NFA Branch will receive approximately 346,000 applications. Therefore, additional staffing is needed to ensure that ATF does not further delay processing times. The ten positions requested in the fiscal year 2016 budget, comprised of eight Legal Instrument Examiners, one supervisory Legal Instrument Examiner, and one Assistant Branch Chief, will enable ATF to establish fourth examiner processing section within the NFA. The additional Legal Instrument Examiners are projected to be able to process an estimated 96,000 applications in a 1 year period, following the initial 9–12 month training period. ATF estimates that the current 6 month time period for processing Tax Paid Applications (ATF Forms 1 and 4) can be reduced to 90 days after new personnel are fully actualized.

## QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

## ATF SURVEILLANCE TECHNOLOGY

*Question.* Under the BATFE's current policies relating to the use of cell-site simulators, how many times has the BATFE employed such a device without prior court approval, and what were the reasons for doing so? What is the policy regarding retention of data?

*Lead-in information from original document.—*

Recent media reports have raised questions about Federal law enforcement's use of sophisticated surveillance technology, like cell-site simulators and license plate reading cameras, to track suspects historically and in real-time. Although I appreciate the potential value of this technology to law enforcement, I am concerned about the potential impact on the privacy rights of innocent Americans.

*Answer.* The Department is committed to using all law enforcement resources in a manner that is consistent with the requirements and protections of the Constitution and other legal authorities, and with appropriate respect for privacy and civil liberties. We are likewise committed to ensuring that the Department's practices are lawful and respect the important privacy interests of the American people.

The Department's law enforcement components have provided multiple briefings to Congressional Oversight Committee staff. These briefings were held to provide the requested information about certain sensitive law enforcement tools and techniques while avoiding making public the use of any specific, sensitive equipment

and techniques that may be deployed in furtherance of law enforcement missions. To do so would allow kidnappers, fugitives, drug smugglers, and certain suspects to determine our capabilities and limitations in this area. Although we cannot discuss here the specific equipment and techniques that we may use, we can assure you that to the extent the Department's law enforcement components deploy certain technologies in investigations, we are committed to using them consistent with the Constitution and Federal law. Finally, the Department is in the process of examining its policies to ensure that they reflect our continuing commitment to conducting its vital missions while according appropriate respect for privacy and civil liberties.

*Question.* Since 2001, how many cell-site simulators has the BATFE purchased or obtained from another government agency? What has been the cost, per year, for the acquisition, maintenance and deployment of the BATFE's cell-site simulators?

*Lead-in information from original document.—*

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*Question.* Does the BATFE maintain its own license plate reader database? If so, how long has the database been operational and what are the policies and procedures in place that govern the collection and use of the data? How many cameras are in the network? What other law enforcement agencies, if any, have access to this database?

*Lead-in information from original document.—*

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*Answer.* Although ATF has equipment capable of capturing license plate images, ATF does not have any database that contains license plate reader (LPR) data. In addition, ATF does not forward license plate images obtained with this equipment to any other government databases. ATF's equipment consists of the following:

- Approximately 30 hi-definition LPR systems. These systems capture LPR images but do not transmit any data.
- 6 older LPR systems. These were initially purchased to support church fire investigations. These systems capture LPR images but do not transmit any data.

#### ATF DRONES

*Question.* Since that report, has the ATF employed drones in support of its mission?

*Lead-in information from original document.—*

In 2013, the Department of Justice Office of the Inspector General released an interim report on DOJ's use of domestic drones. The report noted that al-

though the FBI was the only DOJ component to have operated drones at the time, ATF reported that it planned to deploy drones in future operations.

**Answer.** Yes. ATF's National Response Team (NRT) purchased five small, commercially available Unmanned Aircraft Systems (UAS) to help document fire and explosion crime scenes (not for conducting law enforcement surveillance). The NRT used one of these units to conduct one brief UAS flight in July 2014 to document the aftermath of a Louisiana apartment fire that resulted in the deaths of three residents. ATF has temporarily grounded these UAS platforms pending further ATF policy guidance on deployment requirements. The Department of Justice has recently issued policy guidance for the use of UASs. ATF is in the process of incorporating this DOJ guidance into its policy on the use of its' UAS. In addition to the single use of the NRT UAS, ATF has received UAS support from the U.S. Customs and Border Protection (CBP) on four occasions for purposes of conducting surveillance and planning search warrants.

**Question.** If not, please provide an update on ATF's plans on using drones in the future and if so, please provide a fulsome description of the instances in which ATF has deployed drones and what measures are being taken to ensure that Americans' privacy rights are being protected.

*Lead-in information from original document.—*

In 2013, the Department of Justice Office of the Inspector General released an interim report on DOJ's use of domestic drones. The report noted that although the FBI was the only DOJ component to have operated drones at the time, ATF reported that it planned to deploy drones in future operations.

**Answer.** ATF has no immediate plans to purchase UAS systems. ATF has received the *Presidential Memorandum: Promoting Economic Competitiveness and Innovation While Safeguarding Privacy, Civil Rights, and Civil Liberties in the Domestic Use of Unmanned Aircraft Systems, dated February 15, 2015* (Presidential Memorandum). ATF continues to work with the Department's Office of Privacy and Civil Liberties, through the DOJ UAS working group, to ensure appropriate use of UAS. Future ATF Directives on the use or deployment of UAS in support of ATF missions will be in compliance with the Presidential Memorandum and all DOJ guidelines, including the recently released DOJ policy. Additionally, to track any potential, future use of UAS's and in compliance with this policy, the ATF case management system has been updated with mandatory entry fields to capture deployment, authorization, and operating agencies.

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QUESTIONS SUBMITTED TO THE DEPARTMENT OF JUSTICE—JOINT LAW ENFORCEMENT  
TASK FORCES

QUESTIONS SUBMITTED BY SENATOR BARBARA A. MIKULSKI

FEDERAL TASK FORCE OPERATIONS

**Question.** How does the Department of Justice ensure that the thousands of State and local officers on your task forces have received proper training in areas like use of force or avoiding racial bias?

**Answer.** On December 8, 2014, DOJ issued new guidance for *Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation or Gender Identity*. It builds upon and expands the framework of the 2003 Guidance, and it reaffirms the Federal Government's deep commitment to ensuring that its law enforcement agencies conduct their activities in an unbiased manner. The guidance applies to Federal, State, and local law enforcement officers in all enforcement areas. It further defines the circumstances in which Federal law enforcement officers may take into account a person's race and ethnicity, including gender, national origin, religion, sexual orientation, or gender identity. The guidance promotes training and accountability to ensure that its contents are understood and implemented appropriately.

In addition, steps taken to provide proper training by each law enforcement component are detailed below:

**FBI:**

Pursuant to executed Memoranda of Understanding, within the Safe Streets Program (Violent Crime, Violent Gang and Safe Trails Task Forces) and the Joint Terrorism Task Force (JTTF), each task force participant is subject to their respective agency's policy on use of force. Each Task Force Officer (TFO) must maintain his or her own firearm and non-lethal weapon qualification standards in order to con-

tinue to serve on the task force. TFOs are further instructed on Federal policies and guidelines associated with prohibitions on racial profiling and attend mandatory FBI training events. Additionally, the FBI Field Offices host quarterly deadly force policy training sessions for agents.

Under the FBI's Less Lethal Devices Policy (0517PG), dated November 2012, a TFO may also carry a less lethal device issued by his or her home agency only if that agency has provided the FBI with written confirmation that:

- The agency will ensure that while the individual is participating in FBI-led task force operations, the TFO will not carry lethal devices and will carry only less lethal devices that have been issued to the individual and that the individual has been trained in accordance with the agency's policies and procedures.
- The agency's policies and procedures for less lethal devices are consistent with the DOJ policy statement on the use of these devices.
- FBI Supervisory Special Agents (SSA) also have the discretion to prohibit TFOs from carrying particular less lethal devices on any FBI-led operation if they believe that the use of such a device may pose hazards or risks to the operation's participants due to environmental, tactical, or other relevant factors.

In 2013, FBI hosted a mandatory training for all JTTF personnel (FBI and TFOs) on the DOJ Less-Than-Lethal Devices Policy.

**ATF:**

ATF highly values its TFOs and strives to provide them with the training necessary to maximize officer and public safety:

- TFO Orientation:* ATF provides orientation training for new TFOs in their assigned field division. An ATF supervisor covers 22 ATF policies and provides a reference guide to these policies. These policies specifically include ATF's Use of Force policy, ATF Order 3020.2A. The TFO and supervisor complete an Orientation Checklist, including a written certification by the TFO that it discussed these policies with ATF.
- New Employee Training:* ATF provides training on policies and procedures, applicable Federal laws, criminal procedure, and investigative techniques. One block of this training ATF and DOJ Use of Force policies. Another block includes a review of Federal case law regarding race and ethnicity in criminal enforcement operations.
- Firearms Training:* ATF requires each TFO to complete a quarterly firearms training and tactical operations training, both of which include specific review and discussion of ATF's Use of Force policy.
- Operational Plans and Briefs:* TFOs participating in ATF enforcement operations are also required to review operational plans and/or attend pre-operational briefs, both of which include a review of Use of Force policies.

Finally, pursuant to the December 2014 DOJ guidance, ATF developed a mandatory training module for all agents and TFOs, and began training in May 2015. ATF will periodically update the training and regularly present it to agents and TFOs nationwide.

**DEA:**

DEA does not tolerate racial profiling or the use of excessive force, nor does it target individuals or groups based on race, ethnicity, gender, national origin, religion, cultural differences, linguistic capability, sexual orientation, or gender identity. As a part of its policy and practice, DEA safeguards against racial profiling by ensuring thorough training and oversight, and when appropriate effective discipline.

Prior to assigning a State or local officer to a task force, State and local law departments (Chief of Police, Internal Affairs, Personnel Office, and immediate supervisor), the Division Special Agent in Charge (SAC), and DEA Headquarters (HQ) must approve the assignment. DEA may reject any nominee based on the officer's training, attitude, past performance, or other factors bearing on suitability. Officers should have at least 2 years of police experience.

Traditionally, DEA field offices conduct the TFO Certification Training program on an "as-needed" basis within the offices' geographic jurisdiction. The Divisional Training Coordinators (DTC) are responsible for providing and coordinating training to newly selected Task Force members. Each new TFO receives 39 hours in official training and each division can offer additional training to their staff pertinent to their mission.

When DEA deputizes State and local law enforcement officer as a TFO, he or she is granted certain Federal law enforcement powers and becomes subject to the same Federal laws and standards addressing employee suitability as a normal DEA Special Agent. DEA requires all deputized TFOs to follow all DEA policies and procedures, which are explained during the official training.

**USMS:**

USMS requires State and local officers on fugitive task forces to meet certain criteria to join the task force. The requirements include basic law enforcement training and use of force policy training. Additionally, within the Memorandum of Understanding process for an agency to place an officer on a USMS task force, the sponsoring agency must provide USMS with a copy of its use of force policy to ensure that it does not conflict with DOJ use of force policy. The officer must also acknowledge understanding of the Department's use of force policy during the Special Deputation process.

*Question.* Do police departments have to submit any kind of training certification to the FBI, DEA, ATF or Marshals Service before their officers can join Federal task forces?

Answer.—

**FBI:**

FBI Task Force Officers assigned to the Safe Streets Initiative obtain Title 18 deputation through the USMS. TFOs must qualify with a firearm before being deputized. In addition to Title 18 deputation, all violent gang and Safe Trails TFOs obtain Title 21 deputation. All TFOs, including Safe streets and JTTF, are vetted with their respective agencies to ensure compliance with their internal policies and to ensure there are no outstanding or excessive internal affair matters. TFO must have Top Secret security clearance and all TFOs must maintain their firearm and non-lethal weapon qualifications.

**ATF:**

TFOs must complete basic law enforcement training and firearm qualifications. Officers, whose service lapsed for at least 5 years, are required to take a refresher law enforcement training course. These certifications are required to deputize all ATF TFOs. The specific training certification questions on this form are:

- Question #15:* “I have successfully completed the following basic law enforcement training program or military equivalent.” This question requires that applicants list the academy they attended, course name, location and completion date.
- Question #16 (if necessary):* “I had a 5-year break in law enforcement and have completed a law enforcement refresher course within a year of signing this application.” This question also requires that the applicant list the agency that has provided refresher training, course name, location, and completion date.
- Question #19:* “I have qualified with my primary authorized firearm.” This question requires the applicant to describe the firearm and qualification date.

**DEA:**

DEA does not require proof of certification for new TFO's. Instead, DEA requests that the parent agency provide a Letter of Good Standing from an official at the rank of Lieutenant or above. The letter certifies TFO compliance with DEA's drug use policy and that he or she has no pending internal affairs investigations. DEA also conducts criminal history checks using Narcotics and Dangerous Drug Information System (NADDIS), National Law Enforcement Telecommunications System (NLETS), and National Crime Information Center (NCIC).

DEA TFOs can only remain as a full time TFO for four consecutive years; however, at the SAC's discretion, he/she can extend the agreement for another 4 years. This is done by request from the SAC via a DEA memorandum along with a current background check using NADDIS, NLETS and NCIC. If a TFO returns to his parent agency prior to the 4 years for whatever reason, he or she will be cancelled as a full-time TFO via a SAC's memorandum to DEA HQ. In addition, if a TFO changes agencies while currently assigned to a DEA Task Force, the division will be required to submit a new package, i.e. SAC's memo, Letter of Good Standing from the new agency or department, current background checks, and a Task Force Agreement between DEA and the new agency or department.

**USMS:**

USMS does not require that State and local officers submit training certifications to the USMS; however, officers must receive Special Deputation from the USMS prior to joining a task force. There are several requirements detailed in the USMS policy for a State or local officer to receive Special Deputation from the USMS. These requirements include that the candidate meet the following requirements:

- Be a full time, sworn law enforcement officer and complete a basic law enforcement training course.

- Have at least 1 year of law enforcement experience with arrest authority (USMS Enforcement Standard Operating Procedures suggest a minimum of 5 years of experience).
- Qualify on their parent agency or USMS course of fire.
- Certify that they have reviewed and agreed to comply with the use of force policy of their employing agency or the Department of Justice.

The senior management official with the agency sponsoring the prospective TFO must complete and submit the USMS paperwork requesting acceptance to the task force and Special Deputation for the officer. In that paperwork, the official also certifies that the officer meets all of the training and experience requirements and that the officer is not under any type of investigation for misconduct.

*Question.* What types of training do your agents and deputy marshals receive before hitting the streets? What kinds of procedures do you have in place to ensure misconduct does not happen?

Answer.—

*FBI:*

The FBI's New Agent Training Program (NATP) provides 20 weeks of training for New Agent Trainees (NAT). Misconduct is not tolerated at the FBI Academy and is addressed by monitoring and measuring trainees against suitability standards: conscientiousness, cooperativeness, emotional maturity, initiative, integrity, and judgment. A NAT can be dismissed if they do not meet one or more of the suitability standards. When NATs enter training, they read and sign the rules, regulations, and requirements at the FBI Academy for New Agent Trainees, which outlines these standards and requirements for graduation. FBI prepares documentation when NATs violate standards; thereafter, the trainee is noticed, and the documentation is forwarded to executive management to conduct a New Agent Review Board (NARB) to determine an appropriate action: remediation or dismissal. NATs remain in a probationary status during the first 18 months of their FBI employment, during which they are subject to dismissal for suitability standards. This process is designed to employ only those who are most suitable for a law enforcement career with the FBI.

FBI NATs receive over 80 hours of legal training to ensure that their actions do not infringe upon the rights of individuals, particularly the first and fourth amendments to the Constitution. They are trained to protect an individual's civil liberties in accordance with the Attorney General Guidelines (AGG), the Domestic Investigations and Operations Guide (DIOG), and the Privacy Act. They are trained to understand the fourth amendment requirement of "reasonableness" as it relates to a search. They learn about the FBI's history related to some specific investigations that infringed upon constitutionally protected rights, and they are trained to balance the need for effective law enforcement and intelligence gathering against the rights secured by the First Amendment. NATs are trained to use the "least intrusive" investigative techniques with corresponding approval documentation appropriate to an investigation. They also receive 8 hours of training in the proper level of force to use in accordance with FBI's Deadly Force Policy.

Diversity, ethics, and leadership training are also emphasized in the NATP. NATs are trained in Decision Making, Core Values, and Leadership while focusing on a Civil Rights Case Study. Trainees explore key concepts bearing upon the development of personal and professional judgment, ethical decisionmaking, and leadership in the context of the Civil Rights Movement, the example of Dr. Martin Luther King Jr., and the complex nature of the FBI's response to the non-violent political action of the era. Trips to the Martin Luther King memorial and the Holocaust Museum emphasize the practical application of ethical and moral conduct, in particular, character and courage.

NATs receive rigorous training in physical fitness, tactics, firearms proficiency, and defensive tactics to ensure that they can properly handle encounters with the public. They receive 25 hours of training, for example, in how to perform compliant handcuffing and search techniques. They receive 16 hours of training in how to perform the necessary defensive tactics, skills, and techniques to resolve a confrontation (e.g., proper restraint techniques). With over 180 hours of practical application exercises, oftentimes interacting with role-players depicting realistic situations they might encounter, graduates of the NATP are well equipped to interact with the public in a safe and lawful manner.

Additionally, a review of the FBI's 'deadly force' policy is a required part of the operational briefing before any FBI search or arrest is executed.

**ATF:**

All newly-hired ATF Special Agents must complete a rigorous 6-month curriculum and a formal on-the-job training program. ATF conducts basic training at the ATF National Academy at Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. It consists of the FLETC Criminal Investigator Training Program followed by the ATF-specific Special Agent Basic Training program. Agents receive training in the full spectrum of the ATF mission, including firearms, explosives, arson, and alcohol/tobacco diversion. In addition, ATF trains on investigative procedures, legal requirements, operational processes, tactics, and investigative systems.

The curriculum also includes modules related to conduct and accountability. The topics cover Ethics, Standards of Performance and Code of Conduct, and Integrity. The training addresses the use of alcohol, off-duty conduct, use of controlled substances, and notoriously disgraceful conduct.

**DEA:**

DEA requires that all Basic Agent Trainees (BATs) successfully complete a 950 hour in-residence program. DEA provides additional training at the new agent's assignment using the 800-hour Field Training Assessment program (FTA). The BAT program includes instruction in the following topics: Standards of Conduct, Ethics, and Legal topics pertinent to a DEA Agent. Additionally, each BAT receives instruction in the functions and purpose of the Office of Professional Review and Office of the Inspector General.

**USMS:**

Before candidates become Deputy United States Marshals (DUSM) and conduct fugitive investigations, they must complete basic training at FLETC in Brunswick, Georgia. Basic training for the USMS consists of the following:

- FLETC's Criminal Investigator Training Program, a 12-week basic law enforcement criminal investigation course.
- The Basic DUSM Training Program, a 4-week course focusing on USMS-specific duties, such as fugitive investigations and officer safety.
- Deputies are also qualified and certified on the use of pistols, shotguns, rifles, and less-lethal devices during basic training.

Once basic training has been successfully completed, deputies report to their assigned districts and undertake the duties and responsibilities of a DUSM, which includes conducting fugitive investigations.

The USMS also requires advanced continuing education and training. The DUSMs are required to attend the Advanced Deputy U.S. Marshal (ADUSM) Training Program within 7 years of completing the basic training and again within 7 years of completing the first ADUSM course. The ADUSM training is used as a refresher course to reinforce what the deputy has learned in basic training, as well as a venue to teach advanced skills and train deputies in new policies and procedures.

The USMS has made a concentrated effort to send as many operational personnel as possible to High Risk Fugitive Apprehension training. This course provides advanced standardized, tactical-based training, with the goal of enhancing arrest procedures and mitigating risk.

Regarding misconduct, the integrity of the USMS is dependent upon the conduct of its individual employees. Each day the employees of the USMS demonstrate the highest standards of integrity, character, public trust, and professional responsibility. The USMS seeks to maintain these standards and improve all aspects of professional responsibility among its employees.

The USMS policy contains a Code of Professional Responsibility, which sets forth 38 standards to govern employees' on and off duty conduct. The USMS employees are required to read the Code of Professional Responsibility each year and acknowledge their understanding all 38 standards. The USMS also uses in-service and on-line training to keep employees up-to-date on expected operating procedures and responsibilities. Finally, the USMS makes available all policies and standard operating procedures to all employees to clearly convey expectations regarding conduct and behavior. Within the USMS, policies define the discipline management procedures and penalties for employee misconduct.

**SUBCOMMITTEE RECESS**

The subcommittee is in recess.

[Whereupon, at 11:45 a.m., Thursday, March 12, the subcommittee was recessed, to reconvene in closed session.]